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HAND-BOOK

OF

THE CIRCULAR ORDERS

AND

NOTIFICATIONS

OF THE GOVERNMENT OF INDIA

AND OF THE GOVERNMENT OF BENGAL.

From June 1829 to December 1883.

BY

C. N. GHOSE

Serishtader, Judge's Court, Burdwan.

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Handbook of the circular orders and notifications of the Govt of India and of the Govt. of Bengal from June 1829 to Dec 1883

(Rev. ed) (VOL-I)

PREFACE TO THE EDITION OF 1882.

1. THE compiler of this hand-book has often experienced, in the course of his duties, much difficulty in tracing out particular circulars among the numerous scattered circulars of the Government of India and the Government of Bengal and he has reason to believe that the same inconvenience has been felt more or less by others whose duties require them to consult the Government Circulars.

2. To remedy this inconvenience is the object of the present compilation. It embraces all the Government Circulars and Notifications applicable to the Civil and Criminal Courts which have been published in the Gazette of India and the Calcutta Gazettes, between the 19th March 1858 and the 2nd March 1882. A brief abstract of the contents of each circular and notification is given in chronological order and the consecutive numbers prefixed to the abstracts are referred to in the index which has been arranged according to subject.

3. In order to make the compilation more useful the local High Court's Circulars on cognate subjects have been referred to in foot notes.

4. This compilation was submitted for the approval of Mr. T. Smith, District Judge of Burdwan and Mr. H. W. Gordon, District Judge of Tirhoot, and to both these gentlemen the compiler's best thanks are due for their kind patronage.

CHANDRA NATH GHOSE,
SERRISHTADAR,
District Judge's Court, Burdwan.

PREFACE TO THE PRESENT EDITION.

The Honorable High Court having in its letter dated the 17th September 1883, recommended the Local Government for the reason therein set forth that "copies of the revised edition of this compilation be supplied to every judicial officer in this province" and His Honor the Lieutenant-Governor having been pleased to accept the recommendation of the Honorable Court, the compiler has felt it his duty to bring out this second edition.

2. In this edition all those circulars regarding travelling allowances which have been incorporated with the new Travelling Allowance Code have been omitted.

3. The notifications regarding Stamps published in the *Gazettes* after the 1st of April 1879 when the General Stamp Act I of 1879 came into force, have been inserted in this book; but all prior notifications have been altogether omitted, some of them being obsolete and others having been embodied in the Stamp Act itself.

4. Several other important circulars and notifications which were omitted in the first edition have been added. The Local High Court's circulars and rulings and the rules of the Board, Accountant-General and the Inspector-General of Jails, on cognate subjects, have been summarized in foot notes.

5. These are all the changes made in this edition which experience has suggested as desirable and likely to enhance the usefulness of the compilation.

6. The compiler feels it his pleasant duty to express his best thanks to Mr. T. D. Beighton, District Judge of Burdwan, and to Mr. J. R. Hallett, District Judge of Rungpore for the great trouble which they have very kindly taken in revising this compilation; and also to Mr. C. A. Wilkins, Registrar, High Court, Calcutta, for his kindness in securing to this humble work the patronage of the Honorable Court.

BURDWAN,
DISTRICT JUDGE'S COURT,
31*st December* 1883.

CHANDRA NATH GHOSE,
Serishtadar, District Judge's Court, Burdwan.

HAND-BOOK

OF

THE CIRCULAR ORDERS

AND

NOTIFICATIONS.

1. LETTER, *dated, June 16th* 1829.

Judicial and Revenue Officers should not transact public business in their private dwellings.

2. CIRCULAR No. 459, *dated, June 28th* 1845.

Officers of Government are exempted from the payment of ferry tolls within the division to which they may belong, when they are moving in those divisions on Public Service.

3. GOVERNMENT ORDER No. 2056, *dated, September 18th* 1851.*

Public Officers are prohibited from receiving complimentary addresses from those with whom they have been officially connected.

4. NOTIFICATION No. 107, *dated, January 18th* 1856. C. G. p. 99.

All Medical Officers in the Service of the Government are, as a general rule, entitled to remuneration for professional attendance on the families of those public servants whom they are bound to attend gratui-

* Public officers should not lend money to persons in their jurisdiction (H. C. C. O. No. 69, dated, 25-10 44). Receive complimentary addresses. (H. C. C. O. No. 148, dated, 29-9-51). Or become guests of those who are interested in cases which may eventually be submitted to their decision (H. C. C. O. No. 7, dated, 7-4-77).

Collectors are strictly forbidden to borrow money from land-holders, or managers of Ward's Estates, or Guardians of Wards. (Board's rule 2, Sec. III, Chap. II).

tously. An exception is made in the case of the families of Military Officers, Staff or Regimental, and of Chaplains and Assistant Chaplains; but this exception does not include the families of Military Officers in Civil employment.

5. Resolution, *dated, January 30th* 1856.*

No apprentice shall be admitted into any office without the express sanction of the Head of the office, to be recorded in a register to be kept for the purpose. This register shall record the name and age of the apprentice; the kind and extent of education which he has received; to which of the amlah in the office he is related, or by which of them recommended; with any further particulars that it may seem desirable to the head of the office to record. Every apprentice admitted shall likewise receive a *perwanah* signed by the head of the office, specifying that he is admitted as an apprentice.

In every instance the head of the office will satisfy himself by personal examination and inquiry of the respectability of the candidate for admission, and also that he possesses a fair extent of education. Preference should be given to candidates who have received an English education, if in other respects they are as eligible as other candidates who do not know English.

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* The number of apprentices shall not exceed the following scale :—

In the office of Zillah or Additional Judge	...	5 apprentices.
" " " " Judge of a S. C. Court or Sub-Judge	...	3 "
" " " Moonsif or Registrar of a S. C. Court	...	2 "

(H. C. C. O. No. 17, dated, 24-8-65).

The opinion of the Sheristader of an office should be consulted in regard to the entertainment of new amlah, including apprentices, in an office for the correct, punctual, and honest working of which he is directly responsible.

The Commissioners of Revenue and Circuit will take occasion, on visiting the different stations of their divisions, to satisfy themselves that proper attention is paid by the district officers to the admission of apprentices into their Sheristas.

6. Resolution No. 5681, *dated, September 28th* 1858. C. G. *dated, 17th Nov.* 1858, *p.* 2325.*

It is left to the Heads of offices, subject to the orders of their own Government, to grant, at their discretion, casual leave of absence from office in case of sickness, death of near relatives, &c., on condition that the local Government shall see that the discretionary power to be placed in the Heads of offices is not abused.

[By Notification No. 12, dated, March 19th, 1858, C. G. Part I, p. 492, (which has been cancelled by the above) the number of days for which casual leave could be given to uncovenanted servant was limited to 15 in the year.]

7. Notification No. 309, *dated, February 6th* 1860. C. G. *p.* 287.

When a Servant of Government is committed to prison, either for debt or on a criminal charge, he should

* Such casual absences are not to be reported to the Accountant-General, but they are to be systematically entered in a book (Register No. 48) to be kept in each office; and when an application for privilege leave is received, it is to be dealt with with some reference to the entries in this book.
(Board's rule 4, Sec. VII. Chap. II).

be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceeding against him, when an adjustment of his allowances will be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of blame, or (if the imprisonment was for debt) of its being proved that the officer's liability arose from circumstances beyond his control.

8. NOTIFICATION, *dated, January 7th* 1862.

C. G. *p.* 87.

In the Districts of the 24-Pergunnas, Hooghly, Burdwan, Moorshedabad, Nuddea, Patna and Dacca, the trial by any Court of Session of all the offences defined in chapters VIII., XI., XVI, and XVII. of the Penal Code, shall be by Jury.

9. NOTIFICATION, *dated, March 28th* 1862.

C. G. *p.* 1286.

In all the Districts comprising the Assam Division the trial of all offences by the Court of Session shall be by Jury.

10. NOTIFICATION, *dated, May 27th* 1862.

C. G. *p.* 2041.

In the Districts named in Notification, dated, 7th January 1862, the trial by any Court of Session of the offences, defined in chapter XVIII. of the Penal Code, shall be by jury.

11. RESOLUTION No. 46, *dated, May 31st* 1862.

All public servants are prohibited from taking part in the management of Companies.

12. NOTIFICATION, *dated, October* 13*th* 1862.
C. G. *p.* 3416.

In the Districts named in the Notification dated 7th January 1862, abetments of, and attempts to commit any of the offences, defined in chapters VIII., XI., XVI., XVII. and XVIII. of the Penal Code, shall be tried by Jury.

13. NOTIFICATION, No. 6872, *dated, December* 2*nd* 1862.
C. G. *p.* 3862.

Medical Officers in Civil employ are not permitted to acquire and hold land for agricultural purposes in the District in which they are employed.

14. RESOLUTION, *dated, October* 10*th* 1863.

At every Division of a District where there is a Sub-Assistant Surgeon or European Medical Officer, the *post mortem* examination in all cases of violent or suspicious deaths occurring in that Division should be held by such officer.

Where there is only a Native Doctor, whenever the state of the dead body, the distance, the weather, or the condition of the roads renders it improbable that the body will reach the Sudder Station in such condition as to enable the Civil Surgeon satisfactorily to hold a *post mortem* examination on it, the body must be sent to the Sub-divisional Medical Officer. A copy of the report of such officer will, however, be submitted to the Civil Surgeon, who will make any remarks he thinks proper on the margin of the report, for the information of the Sub-divisional officer.

When the body has external marks of violence as in the case of hanging, fractures or severe cuts, the Sub-divisional Magistrate should himself, if possible, view the body in the presence of the Native Doctor.

When on the other hand, circumstances permit, the body should be sent to the Sudder Station for examination by the Civil Surgeon, and at such examination the Sub-assistant Surgeon or the Native Doctor of the Sudder Station should be present, so that he may be able to attend, if required, at the Sub-divisional Court, and give evidence as to the causes of death in cases in which the absence of the Civil Surgeon on his duty would be attended with serious inconvenience to those under his medical charge.

N. B.—See No. 410.

15. CIRCULAR, No. 1060T OF 1864.

In all cases in which a person is sentenced to imprisonment in default of payment of fine, if the fine be paid, immediate information thereof should be given to the Officer in charge of the Jail, so that the prisoner be not kept in illegal confinement.

16. ORDER OF THE GOVERNMENT OF BENGAL, No. 1690, *dated, March 15th* 1864.*

In the case of an adult, the whipping shall be inflicted on the breech with a ratan not more than half an inch in diameter.

17. CIRCULAR No. 1522, *dated, April 18th* 1864.

Half-pay is allowed to Chupprassies when sick in hospital.

* Instructions regarding the Whipping Act, VI of 1864. (See H. C. Cri. C. O. No. 2, dated, 8-4-1864).

18. CIRCULAR No. 3524, *dated, October 21st* 1864.

Sanctions the grant of half-pay to Chupprassies who are out-door patients.

19. CIRCULAR ORDER, *dated, June 13th* 1865.

In Bengal the radius of the area of selection for jurors and assessors has been fixed at 20 miles in the Districts of Nuddea and Patna, and at 15 miles in other Districts.

20. CIRCULAR No. 7267, *dated, August 6th* 1865.

More than two apprentices should not be retained in the office of a Deputy Magistrate and Deputy Collector.

21. LETTER No. 5066, *dated, August 31st* 1865.

The duty of producing Civil prisoners before the Civil Courts belongs to the Civil Court peons.

22. LETTER No. 5431, *dated, September 23rd* 1865.

Rules regarding the Safe custody of the offices where records are kept.

1st.—The outer doors and windows of the office, with the exception of the main door or entrance to the building, shall be furnished with good bolts, and the main door or entrance with a good lock or chain, and pad-lock whichever may be preferred.

2nd.—The doors, windows and openings in record-rooms, with the exception of the main door or entrance, shall be supplied with iron gratings; and the doors and windows with secure bolts. The main door or entrance shall be supplied with a good lock.

3rd.—As regards all other windows and doors, the former shall be furnished with bolts, and the latter with bolts, or locks as may seem preferable.

4th.—These orders are not to affect those cutcherries which the Commissioner or the Judge may consider sufficiently secured by their present fastenings.

23. LETTER No. 1577T, *dated, September 27th* 1865.

Where the Courts of Subordinate Judges are held in separate buildings from the Judge's Court, a Chowkeedar on Rupees 5 per mensem should be employed.

24. RESOLUTION No. 6355, *dated, November 13th* 1865.

Police Officers, when causing the attendance of Railway employees, must send immediate information to the Head of the Department under whom such persons are serving.

25. LETTER No. 7056, *dated, December 14th* 1865.

Sanctions the employment of a Chowkeedar on Rs. 5 per month for the cutchery of each Judge and Commissioner.

26. RESOLUTION, *dated, January 26th* 1866.

Authorizes the grant of half-pay to peons while sick in Hospital, or receiving Medical aid as Out-door patients of the Hospital of the Station at which the peons are serving.

27. NOTIFICATION, *dated, July 20th* 1866.

Whenever, in a suit instituted in any Civil Court, it shall appear to the satisfaction of the Judge that the personal attendance of any prisoner confined in any Civil Jail, is necessary either as a party or witness in that suit, it shall be competent to the Court to issue

a writ, under its hand and seal, addressed to the Officer in charge of the Jail, calling upon him to make over charge of the prisoner named therein to an Officer of the Court, to be deputed for the purpose of producing him in Court at a time to be specified in the warrant. The Officer so deputed, shall be responsible for the safe custody of the prisoner from the time he receives charge of him, until he is re-committed to the Jail.

28. LETTER No. 2020T, *dated, September 6th* 1866.

Moonsifs should have pankhas and pankha-pullers like Deputy Magistrates and Deputy Collectors.

29. CIRCULAR No. 1248, *dated, February 25th* 1867.

Officers to whom advances have been made or to whom Public money has been in any way entrusted, shall as a general rule, be held personally responsible for such money, if it happens to be lost or stolen while in their immediate custody, or from a Police Station in which it may have been placed by their order, unless they can clearly shew that every reasonable precaution was taken by them for its safe custody.

30. LETTER No. 4551, *dated, July 24th* 1867.

Officers who have temporary buildings in their charge, should examine them periodically.

31. GOVERNMENT OF BENGAL, *dated, August 21st* 1867.

The trial of all offences in the Sessions Court at Goalparah is to be held by Jury.

N. B.—See No. 40.

32. LETTER No. 5630A, *dated, October 18th* 1867.*

Inspectors and Sub-Inspectors of Police should be allowed to sit down when attending to the prosecution of cases.

33. NOTIFICATION, *dated, October 22nd* 1867. C. G. PART I. *p.* 1620.†

(1).—All original Wills presented to a District Judge, in accordance with the provisions of Sec. 244, Act X. of 1865 (Sec. 62, Act V. of 1881), and Probate or Letters of Administration of which have been granted, shall be committed to the care of the Head Clerk or other chief Ministerial Officer, who will cause copies of the same to be entered in a register and an alphabetical index to be prepared.

[(2).—The original Wills shall be deposited in a fire-proof safe, which shall be kept in the office-room of the Head Clerk, or other officer to whom the safe custody of the Wills may have been entrusted.

Where the Court has no iron safe, the original Wills may be placed in a small black tin-box, the key of which shall remain with the Judge and the District Registrar shall, if the Judge require him, lock up this box in his fire-proof safe, giving it up to the Judge on his written demand from time to time. Notification, dated, June 4th 1873. C. G. Part I. p. 741.]

(3).—Inspection of an original Will shall be allowed only on the written order of the Judge, and

* It is not proper to allow the Police officer, who brought the prisoner, to be present while the confession is being recorded by a mohurir and to suggest questions to be put to the confessing prisoner. (H. C. Cr. C. O. No. 7, dated, 30-7-73).

† Copy of the Will annexed to the grant of probate is not liable to the usual charge for copies. (H. C. G. L. No. 8, dated, 21-7-1881).

shall take place in the presence of the officer who may have charge of the same.

(4).—(a). Fee of one rupee shall be charged for the inspection of an original Will.

(b). Fee of eight annas shall be charged for the inspection of copy of a Will in the register.

(c). Fee of one rupee and copying and comparing fees shall be charged for copy of a Will.

(5).—A separate register shall be kept for the entry of all applications for copies or inspection of Wills and registers.

34. CIRCULAR No. 743, *dated, February 12th* 1868.

Government officers are forbidden to invest public and charitable funds otherwise than in Government securities, or to deposit such funds save in a Government Treasury, the Bank of Bengal, or one of its branches.

35. RESOLUTION No. 418, *dated, April 13th* 1868.

All messages regarding leave, pay, promotion, or appointment, or other matters of a private character, must be paid for by the person sending them, unless it is perfectly clear that the interests of the public service will be injuriously affected, unless the particular message in question be sent by telegraph.

36. LETTER No. 2168, *dated, April 15th* 1868.

References regarding questions connected with the Office Establishments of Zillah Judges, Small Cause Court Judges, Sub-Judges and Moonsiffs should be submitted to Government and not to the High Court.

The Small Cause Court Judges as well as the Judges who are subordinate to Zillah Courts will forward their communications through the District Judge.

37. LETTER No. 4593, *dated, August 22nd* 1868. C. G. *p.* 1509.

Whenever a Government Officer is judicially convicted of any offence, a copy of the decision should be sent to the Head of the Department in which he is employed, in order that such action in the case, as may be deemed proper, may be taken at once.

38. NOTIFICATION No. 2003, *dated, August 26th* 1868. C. G. *p.* 1614.

If, after two instalments of privilege leave have been taken, any balance still remains untaken, such balance will not be allowed to be taken as a third instalment of the same leave, but will be added to, and dealt with as part of, any future privilege leave that may accrue.

39. RESOLUTION OF THE GOVERNMENT OF INDIA, No. 240, *dated, August 27th* 1868.*

Where regular courts exist in Native States, holders of decrees obtained in British tribunals must present them, themselves or by their lawfully constituted agents, for execution before such courts, and not apply for aid to the British representative. The question of reciprocity in the execution of decrees is one which the tribunals of the respective Governments must decide.

* Copies of decrees to be forwarded under Section 223 C. C. P. at the expense of the decree-holders.—H. C. C. O. No. 20, dated, 4th September 1865.

(a). Where there are no regular tribunals, the political representative will, as a general rule, abstain from putting any pressure on, or using his influence with, the Chief or the Durbar, in order to the execution of a decree obtained in British territory.

(b). Nor ought this determination to inflict any real hardship on claimants who successfully have resorted to the courts of the British Government for redress.

(c). When debtors resident in British territory, abscond into Native States, leaving either property or partners behind them, execution may at once be taken out against such property or partners; and in all cases where plaintiffs apprehend that a defaulting debtor may abscond, or may convey away his property, the provisions of C. C. P. regarding the attachment of property, while a suit is pending, afford a fair and adequate security against eventual loss by evasion or default.

(d). In a case in which a defaulting and absconding debtor possesses large means within the limits of native territories in which the default and evasion may be marked by acts of gross fraud and flagrant dishonesty, and in which, by deceit or artifice, he may have reduced the honest creditor to ruin, or have left him without the slightest prospect of redress; and where other peculiar circumstances render interposition on the part of the political officer expedient, the political officer may, when applied to, most properly use his discretion in pointing out to the Chief and the Durbar the special circumstances which render intervention desirable, and

may urge them to compel the defaulter to discharge his liabilities. In case of remarkable dfficulty or doubt, the political authority may, if he thinks fit, refer the matter to Government for orders before taking any action. But the course above indicated should be adopted only in cases distinguished by exceptional circumstances.

40. NOTIFICATION, *dated, September 17th* 1868.

C. G. *p.* 1614.

The system of trial by Jury in the province of Assam and in the District of Gowalparah, shall be restricted to cases under Chapters VIII., XI., XVI., XVII. and XVIII. of the Penal Code.

41. CIRCULAR MEMO. No. 73, *dated, December 3rd* 1868.

Medical officers should not recommend the removal of public servants from one station to another on the score of health. If a public servant is ill, he must be reported sick. If it be considered that the station in which he is serving is inimical to his constitution, and that he is likely to have better health elsewhere, he must still be reported sick and unfit for duty for the time, and be dealt with accordingly.

N. B.—See No. 146.

42. LETTER No. 76, *dated, January 9th* 1869.

Rules under which Civil salaries are to be drawn in India by officers on leave.

I.—If the officer signs the salary bill himself, he shall, unless he presents the bill personally for payment, attach thereto a life certificate signed by a Covenanted Civil Servant, or an officer exercising Magisterial powers.

II.—If the salary be drawn through an Agent, such Agent must be formally authorised in that behalf, and must execute a guarantee to refund over-payments.

III.—When the salary bill is drawn, as in the case of Ministerial officers by the Head of the Department or office, the drawer of the bill will be held primarily responsible for any overcharge, and no other security will be necessary.

43. LETTER No. 477, *dated, February 5th* 1869.

Whenever privilege leave is granted to an uncovenanted officer, arrangements should, if possible, be made for the performance of the absentee's work without extra charge to the state.

No substitute should ordinarily be appointed for a Ministerial officer when absent on privilege leave, but his duties should be discharged by the remainder of the office to which he belongs. When an office is really too weak to admit of such an arrangement, acting appointments will be justifiable.

44. LETTER No. 964, *dated, February 10th* 1869.

Public officers are strictly prohibited from employing their subordinates in the performance of any part of their private business, or in the execution of any private trust relating to their personal concerns.

45. LETTER No. 1579, *dated, March 9th* 1869.

All public servants arrested for debt or having recourse to the Insolvent Court, are to be deemed to have forfeited their appointments unless their embarrassments have been the result of unforeseen mis-

fortunes or of circumstances over which they could exercise no control, and have not proceeded from dissipated or extravagant habits.

Every case, in which a servant of Government is arrested for debt or resorts to the Insolvent Court, should be invariably reported for the information of Government, with a copy of the Schedule filed in the Insolvent Court when recourse is had to that Court.

46. NOTIFICATION No. 1675, *dated, March 15th* 1869. C. G. *p.* 631.

Postage stamps, impressed on envelopes or note paper, should not be recognized in payment of postage when cut or otherwise detached from the envelopes or paper on which they were impressed.

47. CIRCULAR No. 1116, *dated, March 18th* 1869.

Book-binders permanently employed in Government Establishments are admitted to the benefits of the Uncovenanted Pension Rules.

48. RESOLUTION No. 1614, *dated, April 22nd* 1869.

The security furnished by every officer of responsible position in Government employ should be tested like that of the officers in the Land Revenue Department and Magistrate's ministerial establishment. The rule of the Board for those in the Land Revenue Department is as under :—

When a security bond is tendered the Revenue officer concerned shall cause a proclamation to be issued, and to be affixed at the Mofussil Cutchery or residence of the surety, or in a conspicuous place in the village

where the land or other property pledged in the bond is situate, in the presence of not less than two respectable residents of the village, and also at the Police Thannah within the jurisdiction of which the property is situate, (the receipt of the Inspector being obtained through his superiors), calling upon all persons who have claims upon, or who deny the right of the proposed surety to the property mentioned in the bond (which is to be carefully set-forth in the proclamation), to come forward within one month, and prefer their claims or objections in respect to it, on failure of which, the inadmissibility of any pleas of objection will be pleaded by the Revenue authorities in bar of any future claim wheresoever preferred. At the expiration of the month, the Officer is to record a proceeding accepting or rejecting the security. If he accepts it, the bond is to be immediately registered under Act XX of 1866 (Act III of 1877). Officers are personally responsible for the observance of these Rules.

Heads of Departments and offices shall issue orders which shall insure such a scrutiny being made, towards the close of each year, of the security furnished by every Officer who is called upon to provide security, and that reports shall be submitted to them at the end of every year, certifying that every security has been so subjected to scrutiny, with the result.

A copy of the orders issued should be submitted for the information of Government.

49. CIRCULAR No. 2279, *dated, June 21st* 1869.

When a Sub-divisional Officer, who is also Sub-

Registrar, moves about on tour and when no Officer other than the Moonsiff, is available to relieve him of the charge of the Registration Office, the District Registrar shall, after communicating with the Judge of the District and with his assent, appoint the Moonsiff to be Sub-Registrar during the absence of the Sub-divisional Officer, under Section 12 Act XX of 1866 (Act III of 1877.)

50. Resolution No. 2409, *dated, July 2nd* 1869.

In certificates given to subordinates, their character and cause of dismissal or resignation should be fully stated.

51. Notification No. 1865, *dated, July 7th* 1869.
C. G. *p.* 1364.

Public officers are prohibited from incurring expenditure on account of printing at private presses.

52. Circular No. 4405, *dated, July 7th* 1869.

Where Cutcherries or other buildings are proposed to be enlarged for the accommodation of Offices or Courts other than those by whom they are occupied, or where buildings are proposed to be erected near at hand to other public buildings, the countersignature of the Senior Officers of the Department occupying the existing buildings should be obtained to the plans, in token that there is no objection on their part to the proposed arrangements.

53. Notification No. 2006, *dated, July 13th* 1869.
C. G. *p.* 1385.

Applications for leave should be submitted by Officers in letters, post-paid.

54. NOTIFICATION No. 2237, *dated, July 26th* 1869. C. G. *p.* 1448.

The ruling of the 13th July 1869 applies to the application by the officer requiring leave. Any such applications forwarded officially by superior Officers would be treated like any other official communications.

55. LETTER No. 3986, *dated, August 31st* 1869. C. G. *p.* 1762.

(a). Civil Surgeons should attend personally all Uncovenanted Gazetted Officers living at the Head Quarter station of the District.

(b). In any station where there is an apothecary, Assistant Surgeon, or Hospital Assistant, the duty of such officers should be to attend, at their own residences, the upper Subordinate Grades of Government servants, including clerks, whose appointments are not gazetted.

(c). As regards Government servants of inferior grades, Dispensaries and General or Civil Hospitals are provided for them at most stations. The servants of Government employées should also be treated at those Dispensaries or Hospitals.

(d). In all cases of emergency or of great danger or difficulty, the attendance of the Civil Surgeon should be given when applied for by the Subordinate Medical Attendant.

56. NOTIFICATION No. 3245, *dated, September 8th* 1869. C. G. *p.* 1761.

Copies of decisions or of any other documents furnished to officers of Government for official purposes need not be stamped.

57. CIRCULAR No. 5583, *dated, October 4th* 1869.

All sentences of capital punishment shall be carried out atthe Sudder station, unless it be otherwise ordered in the warrant. The spot at which the execution is to take place shall be fixed by the Magistrate of the District and shall generally be at such distance from habitations that no annoyance need be caused to the public by the spectacle. No execution should take place within the jail walls, and no attempt should be made to give any thing of a private character to the execution, but at the same time undue publicity should not be courted. To this end the early morning should be the time selected for execution. The prisoners in the jail should not be made to attend. The medical officer should attend throughout the execution. The body should hang for one hour, and should not be taken down until the medical officer declares life to be extinct.

58. LETTER No. 1437R, *dated, October* 29th 1869.

All casualties among subordinate judicial officers should be reported to Government and to the Accountant General, Bengal.

59. RESOLUTION No. 3616, *dated, November 2nd* 1869.

Transliteration system in key to Professor Wilson's method should be adopted.

60. RESOLUTION No. 1625, *dated,* March 10*th* 1870.

Expenditure should not be unnecessarily hurried in the month of March to prevent lapses of Budget grants.

61. CIRCULAR No. 664R, *dated, March 24th* 1870.

Officers recommended to Government for appointment or leave are to be named in full.

62. LETTER No. 912, *dated, May 28th* 1870.

Processes in Appeal to the High Court or Privy Council may be sent by Service Post.

63. NOTIFICATION No. 2031, *dated, June 16th* 1870.*

Officers in charge of Jails are required to give all proper facilities to prisoners for drawing up petitions of appeal, or for getting them drawn up by other prisoners, or by their legal advisers or friends. It is however no duty of the Jail establishment to draw up such petitions.

64. CIRCULAR No. 59, *dated, June 17th* 1870.

Collectors should make all payments on account of local taxes on public buildings; the bills of the local fund or municipality being countersigned by the departmental officer concerned, and forwarded as a Sub-voucher with the monthly detailed bill, which would be admitted as usual on the countersignature of the Commissioner.

65. CIRCULAR No. 13, *dated, June 20th* 1870.

The Government Solicitor should be the Custodian of State documents connected with property in Calcutta and the Suburbs; the Registrar-General, Lower

* The fullest opportunity should be given to prisoners to execute powers of Attorney. I. L. R. 1 Bom. p. 16. Shaikh Dadabhai.

Provinces, should have the custody of documents relating to property in the Mofussil.

66. CIRCULAR No 63, *dated, June 24th* 1870.

Smoking in any Court building, civil or criminal, is prohibited.

67. CIRCULAR No. 15, *dated, June 27th* 1870.

Death of European Uncovenanted officers in India should be reported to the Secretary of State through the Local Government.

68. NOTIFICATION No. 1680, *dated, June 30th* 1870. C. G. PART I. *p.* 1351.

The following rules are prescribed regarding advances to public officers in order to enable them to provide themselves with suitable dwelling houses in places where they are not available at reasonable rents.

I.—All such advances must be *bonâ-fide* required for the purpose of building suitable houses for the personal residence of the officers concerned; and if more is advanced than shall be actually expended for the purpose, the surplus shall be refunded to Government.

II.—Such advances shall not in the aggregate exceed six months' salary, and the whole advance must be repaid in two years.

III.—Recovery will be made by the Treasury officer or other disbursing officer, deducting monthly

instalments equal to one-twenty-fourth part of the advance from the salary bills of the officer concerned.

IV.—In order to secure Government from loss consequent on an officer dying or quitting the service prior to complete re-payment of the advance, the house so built must be mortgaged to Government, by whom the mortgage will be released on the full amount of the advance being liquidated.

IVA.—[The officer must satisfy Government regarding his title to the land upon which the house is, or is proposed to be built. (Notification No. 3123, dated, August 25th 1871, C. G. Part I. p. 1670)].

V.—An officer quitting or removed from the station where he has built a house, before the whole amount of the advance has been liquidated, will continue liable to the deduction of his monthly instalment until the advance has been repaid; but with the special sanction of the Local Government he may be allowed to dispose of the house provided he is thereby enable to clear off at once the whole amount due; or to transfer it to any officer of his own or higher rank, the future deductions being made from the salary of such officer.

VI.—An officer will not, under any circumstances, be allowed a second advance whilst any amount remains due on a previous one.

VII.—Applications for advances must be made through the applicant's departmental superior, who will record his opinion as to the necessity for the assist-

ance solicited. The applicant must certify that the sum is to be expended in building only, and pledge himself that, should there be any surplus funds after the house is completed, they will be at once refunded to Government.

VIII.—The last pay certificate granted to officers under advances must specify the original amount of such advance, the amount repaid, and the balance remaining due.

A form of Mortgage Bond will be issued to officers who may wish to avail themselves of the advance.

For Form see Appendix A. C. G. Part I. p. 1351.

69. CIRCULAR No. 85, *dated, October 18th* 1870.

The proper channel through which a Magistrate or Court of Session, should obtain the orders of Government in regard to the disposal of criminal lunatics under Secs. 390 and 394 of Criminal Procedure Code (Secs. 466 and 471 of Act X of 1882) is to report the case direct to Government with a history of the facts.

70. CIRCULAR No. 21, *dated, November 3rd* 1870.

Prescribes a form of statement to be adopted by the heads of all Departments in reporting the deaths of European Uncovenanted officers subordinate to them.

Return of the death of a European uncovenanted officer of Government in the district of

1	2	3	4	5	6	7	8	9
Name of deceased.	Date of death.	Place of death.	Occupation at the time of death.	Probable age at the time of death.	Native village and country of deceased, if known.	Particulars of family as far as known; if any relative in the country.	If any property left, and in what custody.	REMARKS.

71. RESOLUTION No. 3118, *dated, November 21st* 1870.*

The charge for transmitting records through the post from one court to another should be borne by the state.

72. CIRCULAR No 96, *dated, November 29th* 1870.

All official communications which are not strictly demi-official or confidential should be addressed to the Secretaries in whose department the subject falls *under their official designation*, and not by name.

Telegrams should be addressed either to the "Judicial Secretary" or to the "Revenue Secretary," as the case may be.

73. NOTIFICATION No. 47, *dated, January 6th* 1871. I. G. PART I, *p.* 4.

Bonds and other instruments executed by salaried officers of Government to secure the due performance of their duties are exempted from the fees chargeable under the Court Fees Act, 1870, Schedule II, No. 6.

74. CIRCULAR No. 1, *dated, January 16th* 1871.

The security bonds of ministerial officers, which require frequent examination and testing by the local authorities are to be left with such authorities.

75. RESOLUTION No. 423, *dated, January 20th* 1871.†

No person, as a general rule, should be admitted into the uncovenanted service of Government after he has attained the age of 25 years.

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* For Instructions as to the distribution, between Government and parties to suits, of the postage charge incurred in the course of Judicial proceedings See. H. C. C. O. No. 10 dated 28-3-72 and No. 23 dated 3-6-80.

† Note.—This order does not apply to a practising pleader appointed to a Judicial office, who may be appointed if not more than 30 years old. Rule 2 C. P. Code p. 58.

76. CIRCULAR No. 6, *dated, January 20th* 1871.

Copies of all the evidence and of every paper of the least importance should be prepared immediately after the commitment is made, and should be forwarded to the Government Pleader so as to reach him at least seven days before the trial.

77. CIRCULAR No. 3, *dated, February 1st* 1871.

Applications for copies of documents deposited in the office of the Registrar-General under Circular No. 13, dated, 20-6-70, should be made to the local officers, who should transmit them to the Office of the Registrar-General with a memorandum showing the fee to be charged in each case.

78. CIRCULAR No. 24, *dated, May 11th* 1871.

Pankha-pullers are allowed from the 15th March to 15th October of each year—but European Officers may be allowed pankha-pullers to the 1st November, when really necessary. Judges and Commissioners may be allowed pankha-pullers from 1st March to 15th November whenever required.

79. CIRCULAR No. 31, *dated, June 15th* 1871.

Whenever a person serving under the Government of India, in the Military Department, is convicted in a Criminal Court, a copy of the decision should be sent to the Military Department, in order to enable the Government of India to deal further with the case.

80. CIRCULAR No. 15, *dated, June 23rd* 1871.

Whenever any Officer has to submit any correspondence to the Commander-in-chief, or Government, he should see that *the whole case is clearly and suc-*

cinctly stated in one communication, in the margin of which reference by number and date should be made to each enclosure of importance, opposite the statement or opinion which is based upon or supported by it. When more than a few enclosures or annexures are submitted, they should, be conspicuously numbered or lettered ; and in all cases the submission of unnecessary enclosures should be carefully avoided.

81. NOTIFICATION No. 1867, *dated, July 7th* 1871.
C. G. *p.* 1430.

Public Officers are prohibited from employing private agents or obtaining funds from such agents for the public service.

82. NOTIFICATION No. 2004, *dated, July 14th* 1871.*
I. G. PART I *p.* 525.

Remits the fees chargeable under Schedule 1, article 11 of Court Fees Act 1870, in respect of probate of wills or letters of administration, in so far as such wills or letters of administration relate to property which a deceased person was possessed of or entitled to, not beneficially, but as a trustee for any other person or persons. Provided that this remission shall not extend to cases in which a trustee has the power of appointing or otherwise conferring a beneficial interest in the trust property.

* Probate duty is payable in respect of the interest which has accrued between the time of the death of the deceased and the grant of administration : Attorney General v s Partington, Hurlt. and Colt. 457.

The term "property" in sch. I, cls. 11 and 12, of the Court Fees Act, includes not only property to which the deceased was beneficially entitled in his life-time, but also all property which stood in his name as trustee, or of which he was possessed *benami* for others. In the goods of Beresford ; in the goods of Maddock, 7 B. L. R. 57.

83. CIRCULAR No. 40, *dated, July 20th* 1871.

Whenever cases are transferred for trial from one court to another, due regard should always be had to the character of the cases transferred, and to the stage in the proceedings which they may have reached. In transferring suits brought by the same plaintiff, or relating to similar cause of action, care should be taken that one or more are not transferred, while one or more remain in the court of origin.

84. NOTIFICATION No. 249, *dated, August 3rd* 1871.

C. G. *p.* 1531.

Police Officers proceeding on duty are exempted from the payment of canal tolls.

85. CIRCULAR No. 48, *dated, August 12th* 1871.*

Pending a reference to Government, the lunatic should be detained either in the Jail, Hospital, or in the Lunatic Asylum, where there is one, at the discretion of the Magistrate.

Where a person having a life-interest in a fund, with a general and absolute power of appointment thereover, exercises such power by will, no *advalorem* fee is payable in respect of such fund under the Court Fees Act. In the goods of Oram ; 12 B. L. R. App. 21.

The uncertainty of recovering a debt due to the estate of a deceased person is not a sufficient ground for a proportionate reduction of the fee payable in respect of letters of administration to such estate. In the goods of Beake, 13 B. L R. App. 24.

But see Moses vs Crafter, 4 C & P., 524, in which it was held that desperate and doubtful debts need not be included in the amount for which probate duty is payable.

On the death of a Hindu lady, her father's property, to which she had succeeded for the estate of a Hindu daughter, became, in the hands of her representatives, trust property, in respect of which no duty is payable under the Court Fees Act. In the goods of Joymoney Dassee, 14 B. L. R. 184.

No stamp duty is payable under the Court Fees Act, on probate granted to a second executor, to whom leave was reserved to take out probate when the first probate was granted. In the goods of Bibee Ameerun 15 W. R. 496.

* Finding in case of acquittal on the ground of being lunatic &c. (See H. C. C. O. No. 22, dated, 10-12-64 and G. L. No. 955, dated, 17-8-67)

86. CIRCULAR No. 25, *dated, September* 12*th* 1871.

When a Public Officer in civil employ rents a Government building, the officer in charge of the building may inform the Accountant-General of the amount of rent payable on account of it and the Accountant-General should make arrangements for deducting the rents from the officer's salary. If, when the officer leaves his station, any rent is still due from him, the fact should be stated in his last pay certificate, so that it may subsequently be recovered.

87. NOTIFICATION No. 4032, *dated, September* 30*th* 1871. C. G. *p.* 1855.

Official covers must be endorsed under the full signature and official designation of the Government (*a*) officer who sends the cover. If the charge of postage results from any irregularity or omission on the part of the sender, his fault should be represented to the proper authority.

88. CIRCULAR No. 58, *dated, October* 30*th* 1871.*

Whenever any officer, enlisted Soldier or Sepoy is sentenced in any criminal court to a fine of Rs. 200 or upwards, or to imprisonment otherwise than in default of payment of fine not amounting to Rs. 200, the Court should, *proprio motu* send a copy of its final order to the superior of the person convicted.

(*a*) This may be either the Head of the office himself, or the Superintendent, Head Clerk or other responsible officer to whom the duty of despatching is entrusted. The particular officer who signs the cover must enter in full his own official designation in order that his individual responsibility may be enforced in cases of doubt or fraud.

* Convictions of Military Employe should be intimated to Military Department (H C. C. O. No. 6, dated 17-7-71).

89. CIRCULAR No. 46, *dated, October* 31*st* 1871.

The acquisition of land by, or in the name of the wife of any Subordinate Judicial Officer is for all Government purposes considered to be the same as acquisition by the officer himself.

90. NOTIFICATION, *dated, December* 7*th* 1871.

C. G. *p.* 2080.

During the absence on tour of Magistrates of Districts, the Joint Magistrate or other Officer left in charge of the Magistrate's Office shall, for the time being, be the Magistrate in charge of the Sudder Sub-Division of the district.

91. CIRCULAR No. 7, *dated, December* 19*th* 1871.

When the District Superintendent leaves his head-quarters on duty, an officer of rank in the Police should have charge of the current duties of his office, and should submit reports of all important matters in the Diaries and information otherwise received to the Magistrate as well as to the District Superintendent. In Sub-divisions, when the Inspector is absent, the next officer in charge should act similarly, and bring everything to the notice of the Sub-divisional Officer. The Magistrates are however to understand that they are as responsible for the Police work in their Districts as for any other portion of the administration.

92. CIRCULAR No. 73, *dated, December* 28*th* 1871.

District Judges can, without reference to Government, entertain a ministerial establishment for an additional Munsif, on the same scale as that of other Munsifs.

93. Resolution, *dated, January 12th* 1872.

Judges should see that their malkhanas are well provided with bolts and bars. In order to have the civil malkhanas properly guarded, the chowkeedar, being relieved in the day time by some of the peons attached to the Judges' Courts should always be present at night. The unexceptionably valuable property should, when necessary, be sent to the Collectorate treasury for safe custody.

94. Circular No. 5, *dated, January 29th* 1872.

Scales and weights are to be purchased in the local markets and bazars.

95. Circular No. 7, *dated, February 5th* 1872.

All revenues and receipts should be paid without deduction into the Treasury and credited in gross in the accounts; and any expenditure that may be incurred, should be always met from money drawn from the Treasury, and should thus appear in the accounts. The practice of crediting net receipts after deduction of expenditure is prohibited.

96. Circular No. 11., *dated, February 19th* 1872.

Commissioners of divisions, Judicial Commissioners of Chota Nagpore and Assam, Magistrates, Deputy Commissioners and District Judges are *ex-officio* visitors of all jails, district and central and of lock-ups within their jurisdiction. Joint Magistrate or Assistant Commissioner may be deputed by Magistrate or Deputy Commissioner to visit the Jail &c.

97. NOTIFICATION No 2520, *dated, April 5th* 1872. I. G. PART I, *p.* 380. *

Exempts from fees chargeable under the Court Fees Act copies of final sentences or orders passed by Criminal Courts, which parties desirous of appealing from such sentences or orders are required by section 416 (now 419) Criminal Procedure Code to file with their petition of appeal provided that the party who is desirous of appealing is in confinement under the operation of the sentence or order at the time that he applies for a copy of the same.

This exemption will also extend, under the same circumstances, to copies of the judgment or reasons for passing or making such sentence or order as above.

NOTE—If a person desirous of appealing is not in Jail, he must provide the Court-fee stamp (8 annas for every 360 words) as well as the copying fees.

98. CIRCULAR No. 27, *dated, May 23rd* 1872.

Civil Medical Officers called in to attend on Government officers at their own residences are bound to visit them at all reasonable times, without charge, except under certain circumstances for travelling allowances.

99. CIRCULAR No. 31, *dated, June 20th* 1872.

Rules regarding leave and allowances to Government servants summoned by private parties as witnesses.

(*a*) If Government servants are summoned to attend as witnesses in any Civil Court, they must report the fact to Government if they are Gazetted Officers, or to the heads of their departments if they are

* Apparently prosecutors whose charges are dismissed are affected by the order of discharge, and are, therefore, entitled to obtain a copy of the order. But it is doubtful whether they are entitled to copies of the depositions. I. L. R. 8 Cal. 166.

ministerial officers. The Government or the head of the office will decide whether he should have casual leave or leave without pay and whether a substitute should be entertained.

(*b*) The heads of all offices must see that when Government servants attend a court in their own districts, the public service does not suffer and the witness benefit.

(*c*) The allowances except travelling expenses paid to such witnesses should either be used to provide a proper substitute or be credited to Government.

N. B.—See No. 114.

100. CIRCULAR No. 3G, *dated, June 21st* 1872.

When a person is selected for appointment to an office *conditionally* on passing the prescribed medical examination, no fee is to be taken by the "commissioned medical officer," or by the "medical officer-in-charge of a Civil Station" who may hold such examination.

101. CIRCULAR No. 19, *dated, July 2nd* 1872.*

All Government Officers should submit all applications for the erection of new buildings, repairs, alterations, &c., to the proper civil department, with full explanation as to the necessity in each case. Where the work is a minor one, or where there can be no doubt of its being sanctioned, a plan and estimate can be obtained from the Executive Engineer before coming up to Government; but in case of large works and

* Applications for construction of new Court houses or for repair of buildings should be submitted direct to Govt. (H. C. C. O. No. 6, dated, 24-4-76.)

expenditure, or where there is a chance of Government refusing sanction, a detailed and explanatory application should be sent up without regular plans or estimates, but with such rough plans and suggestions as to cost as can be supplied by the officers themselves, or as the local work officers may be able to give. In sending up plan and estimate, it must always be stated why the works are required.

102. CIRCULAR No. 20, *dated, July 9th* 1872.

No one is to be appointed to any post or to be promoted to the higher posts who does not write a thoroughly good hand.

103. CIRCULAR No. 8R, *dated, July 9th* 1872. †

Application for privilege leave should be submitted through the Accountant-General to Government.

104. CIRCULAR No. 9R, *dated, July 18th* 1872.

District Judges, in forwarding applications for privilege or other short leave from Subordinate Judges, should submit proposals as to the way in which the applicant's duties are to be carried on during his absence.

105. CIRCULAR No. 25, *dated, July 22nd* 1872.

Service messages by telegraph should not be

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† Judicial officers, when applying for privilege leave, should state in their applications whether or no they were prevented from availing themselves of any, and if so, what portions of the three previous vacations, by reason of having to remain at their posts on duty. (H. C. C. O. No, 13, dated, 22-6-82.)

Such applications should be submitted to the High Court through the Accountant-General, and the officers making such applications should note what vacation leave they may have had during the previous three years. (H. C. C. O. No. 33, dated, 1-11-78.)

An application for privilege leave should not be made more than six weeks before the leave is wanted. Section 78, Rule 18, *P.* 169 C. L. Code.

marked "confidential" unless there be something really of a private nature in them.

106. CIRCULAR No. 45, *dated, July 30th* 1872.

All Officers in charge of Government buildings, on which old rates may be reassessed or new rates may be imposed, shall, on the occasion of any assessment or reassessment, scrutinize and, if necessary, challenge the valuation of such buildings or the assessment imposed upon them. When any such valuation or assessment is finally settled, whether for a first time or on a revision of assessment, the officer in charge will report the circumstances to his immediate superior, who after scrutiny will exercise his discretion whether to accept the valuation and assessment or to submit the matter to Government. When the officer in charge has no immediate superior, he must make his report direct to Government.

107. NOTIFICATION No. 1906, *dated, August 9th* 1872. I. G. PART I, *p.* 764.

Remits the fees chargeable under the Court Fees Act, on copies of settlement records furnished to land-holders and cultivators, but not certified by the signature of any public officer to be true copies.

Nothing in this notification applies to copies of judicial proceedings.

108. NOTIFICATION No. 2025, *dated, August 15th* 1872. I. G. PART I, *p.* 782.

Local Government may sanction refunds of stamp duty when the estimate of the assets of an estate is shewn to have exceeded the amount on which the

Court Fees Act says that duty shall be paid, viz. the actual value of the property in respect of which the letters of administration are granted.

See No 128.

109. CIRCULAR No. 3005, *dated, August 23rd* 1872.

When the head of the Government, or when heads of departments make official visits of inspection, they should have the amplest opportunity of inspecting and dealing with the various departments subject to their control in the presence of the local officers.

Too high importance ought not to be attached to pomp and ceremony ; but it is desirable that so far as the means at their disposal and the convenience of the public service will admit, officers of Government will try to maintain on occasions of inspection something of the official observance common in India.

110. CIRCULAR No. 53, *dated, September 4th* 1872.

It is desirable that District authorities should submit for the perusal of the Lieutenant Governor any particularly full or interesting annual reports on any department which may be given by the local officers.

111. CIRCULAR No. 29, *dated, September 10th* 1872.

No public officer should subscribe at the public expense to any newspaper or other periodical publication without the sanction of the Government specially obtained.

112. CIRCULAR No. 67, *dated, November 5th* 1872.

C. G. PART I, *p.* 398.

Officers in charge of Jails are to be designated Superintendents of Jails.

113. CIRCULAR No. 11R, *dated, November 11th* 1872.

Whenever an advance is made to any unconvenanted officer when in England on leave, a report is to be submitted to Government when the amount advanced has been recovered, and also when the officer to whom the advances made dies or ceases to be a member of the public service before recovery of the amount.

114. NOTIFICATION No. 4788, *dated, December 31st* 1872. C. G. PART I, *p.* 133.

When a public officer is called away from his duty to give evidence in any court the pay and allowances admissible to him during the period of his absence shall be debited to the department which would bear the charge if the officer was on duty.

115. NOTIFICATION, *dated, January 1st* 1873. C. G. PART I, *p.* 16.

(*a.*) All District Magistrates are authorized to withdraw from any of their subordinate Magistrates such classes of cases as they may think proper so to withdraw.

(*b.*) All Magistrates of the 2nd class are vested with power to commit any person to the court of session for any offence triable by such court.

116. CIRCULAR No. 91, *dated, January 7th* 1873.*

Government pleader should have access to the records of all criminal appeals and all cases committed to the Sessions.

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* Govt. pleaders to have access to records of Sessions trials for the purpose of Medico-legal Reports (H. C. Cr. C. O. No. 10. d. 22-9-68.)

Magistrates and District Supdts. to be allowed to inspect records of Sessions Trials. (H. C. Cr. C. No. 5, d. 21-9-80.)

117. CIRCULAR No. 1, *dated, January 10th* 1873.

Security bonds given on plain paper by ministerial officers, are exempted from payment of Registration fees.

118. CIRCULAR No. 6, *dated, January 13th* 1873.

Whenever a Judge thinks that the sentence he is forced to pass in any case is unduly severe, he ought to recommend to Government remission of the sentence at the time of passing judgment.

See No. 120.

119. NOTIFICATION, *dated, January 21st* 1873.

C. G. PART I, *p.* 152.

In trials by Jury before the Court of Session, in which a European (not being a European British subject) or an American is the accused person or one of the accused persons, the Jury shall consist of 5 persons in the following districts, and of three persons in other districts.

Burdwan,	Midnapur,
Hooghly,	Howrah,
24-Pergunnahs,	Moorshedabad,
Dacca,	Patna,
Shahabad,	Tirhoot,
Sarun and Chumparun,	Moonghyr,
Bhaugulpore,	Cuttack.

120. CIRCULAR No. 17, *dated, February 10th* 1873.

Judges should defer their application to Government for a remission of sentence, until the result of any appeal that may be made to the High court is known, or the time for preferring such appeal has elapsed.

121. CIRCULAR No. 6, *dated, February 11th* 1873.

Public Officers are prohibited from employing public servants in making purchases, or in any private matter involving the receipt or expenditure of money.

N. B. See No. 134.

122. NOTIFICATION, *dated, February 11th* 1873.

C. G. PART I, *p.* 236.

Magistrates of Districts are vested with the power of placing any Magistrate of the 1st or 2nd class in charge of the Head Quarters Division whenever they may be absent from their Head Quarters.

123. CIRCULAR No. 25, *dated, February 20th* 1873.

Rules of arbitration by Public Officers.

(*a.*) No Public Officer shall act as an arbitrator unless authorized by his immediate superior or unless directed by a competent Court.

(*b.*) No Public Officer shall act as an arbitrator in any case which is likely to come before him in any shape in virtue of any judicial or executive office which he may be holding.

(*c.*) No Public Officer acting as arbitrator at the private request of disputants, shall accept any fees.

(*d.*) Public Officers acting as arbitrators by appointment of a court of law may accept such fees as the court may fix.

124. NOTIFICATION, *dated, February 24th* 1873.

C. G. PART I, *p.* 259.

In the District of Beerbhoom the area of selection for jurors of European or American birth has been declared to be conterminous with the limits of that district.

125. CIRCULAR No. 2J, *dated, March 28th* 1873.

All applications for leave made by Sub-Judges and Judges of S. C. Courts are to be submitted to Government through the High Court.

126. CIRCULAR No. 45, *dated, April 8th* 1873.

Public Officers may act as private arbitrators in cases in which there is no legal and formal arbitration having legal force. They should however act under the general directions of their superiors.

127. RESOLUTION No. 2041, *dated, April 15th* 1873.

Copies of Acts will not be supplied to Munsiffs as they come out. But the Legislative Department will at the end of each year supply a complete bound volume of all the Acts passed. During the currency of the year the Munsiffs can use the gazettes supplied to them—only copies of very important Acts need be separately supplied.

128. NOTIFICATION, No. 2504, *dated, April 18th* 1873.

I. G. PART I, *p.* 379.

In cases in which stamp duty has been paid on Probates or Letters of Administration in respect of the gross assets of the estates of deceased persons, refunds of the duty may be made by the Chief Executive Revenue Authority under the Local Government in each Presidency or Province, if he thinks right, in respect of such portion of the assets as is actually applied in discharging the debts of the deceased.

129. CIRCULAR No. 55, *dated, May 5th* 1873.

C. G. Part I, p. 619.

The Sub-divisional Officer or a Magistrate at head

quarters sitting with two Honorary Magistrates should exercise first class and summary powers, though they are not so empowered when acting singly.

If in any place there is difficulty about Honorary Magistrates, the Lieutenant-Governor will not object in some special cases to allow a Sub-divisional Officer, or a senior Officer at head-quarters, to exercise 1st class powers when sitting as a Bench with one Honorary Magistrate.

130. NOTIFICATION, *dated, May 6th* 1873.
C. G. PART I, *p* 662.

Under the direction of the Magistrate of the District, any two or more of the Honorary Magistrates in any district may, in that district, sit as a Bench in company with the Magistrate of the District, or the Sub-divisional Magistrate, or any salaried Magistrate subordinate to the Magistrate of the District exercising not less than second class powers, whom the Magistrate of the District may depute for that purpose; and any Bench so constituted is vested with first class powers in respect of offences cognizable by Magistrates of the first class, and with powers of summary trial under sec. 222 (now 260) of the Criminal Procedure Code.

2. Under the special order of the Magistrate of the District, any two Magistrates, Honorary or salaried, of whom one is vested with not less than second class powers, may form a Bench with first class powers, for the trial of any particular case or class of cases, specially referred to them by the Magistrate of the District. Such Bench may also exercise summary pow-

ers under sec. 222 (now 260), unless the order of reference is for trial in regular form.

3. Under the direction of the Magistrate of the District, any one of the Honorary Magistrates of a District, may sit with any salaried subordinate Magistrate to form a Bench, and the Bench shall, when so constituted, exercise second class powers in respect of offences cognizable by Magistrates of that class, and powers of summary trial under sec. 225 (now 261) of the Criminal Procedure Code, unless any member of the Bench have first class powers, in which case the Bench may also exercise those powers. If the Magistrate of the first class has summary powers under sec. 222 (now 260), the Bench may exercise those powers.

4. Subject to the General orders of the Magis trate of the District, any two or more Honorary Magistrates may, in their respective towns or municipalities, sit together as a Bench for the disposal of offences under Municipal or Towns Acts, and the conservancy clauses of any Police Act, without the assistance of any salaried Magistrate, and such Bench shall exercise third class powers and powers of summary trial under sec. 225 (now 261) in respect of all such cases.

131. CIRCULAR No. 56, *dated, May 8th* 1873.

All offices must be open not later than 11 A. M. punctually.*

132. LETTER No. 2341, *dated, May 12th* 1873.

The order contained in Circular No. 73, dated,

* Judges should be on the Bench at 11 o'clock A.M. except where it is usual to hold morning sittings (H. C. C. O. No, 11, dated, May 31st 1873.)

December 28th 1871 (No. 92) extended to Additional Subordinate Judges.

133. CIRCULAR No. 6 C. S, *dated, May 30th* 1873. *

Prescribes amended form of application for privilege leave.

Application for PRIVILEGE LEAVE *of Absence under Section of the Civil Leave Code.*

Name of Officer and Appointment he holds.	Period of Leave applied for and date from which leave is required.	Last Leave and date of return therefrom.	Recommendations of superior Officers, with suggestions as to arrangements for the Absentee's work.
	For		

I do hereby declare that I have no intention of retiring from the Service, or of taking any fresh leave within three months of my return from the leave herein applied for.

(*Signature of Applicant.*)

The _____ 18 .

Report by Accountant-General.
Deputy Acctt.-Genl., Bengal.

The _____ 18 .

No.

FORWARDED to the Accountant-General for submission to Govt., with the usual report.

The _____ 18

* Note —For forms of application for Privilege Leave which are to be used by Sessions Judges and by officers who are entitled to regular vacations see Accountant General's Circular No.—$\frac{81}{67}$ dated 11th July 1883. All other officers should use this form.

134. CIRCULAR No. 69, *dated, May 31st* 1873.

Public Officers when travelling on duty may employ public servants to procure for them conveyance or necessary supplies but every vigilance is needed to prevent cheating and extortion.

135. NOTIFICATION, *dated, June 4th* 1873.

C. G. PART I, *p.* 741.

In trials before the Court of Session in which the accused person is not a European or American, the Jury shall consist of 5 persons in all the districts to which the system of trial by Jury has been or may hereafter be extended.

136. CIRCULAR No. 77, *dated, June 23rd* 1873.

Government will not supply annotated Acts to offices as a general rule. If officers want them for their own private use they must purchase them at their own expense.

137. CIRCULAR No. 48, *dated, July 17th* 1873.

Every order issued by a court or office for the payment of money from a Government Treasury shall be in English, unless the presiding officer is not acquainted with that language.

Where the disbursing officer does not understand English, and the officer ordering the payment does, the order for payment shall be both in the vernacular and in English.

138. CIRCULAR No. 90, *dated, July 19th* 1873.

The payment of the expenses of complainants and witnesses in criminal cases need not be offered or made in every case. The courts are to have full discretion to

make or not to make such payments. They should, however, actually offer it in all cases in which they think it right to pay at all, whether an application for payment is made or not.

139. CIRCULAR, No. 8 C. S, *dated, July 21st* 1873.

Whenever the name of any pensioner or candidate for employment in the medical department, or any other individual is submitted in any roll or paper with the view of its eventually appearing in General Orders, it shall be *printed by hand* in such a way that one letter can not be mistaken for another.

140. CIRCULAR No. 92, *dated, July 24th* 1873.

When the officer in charge of a jail is a Civil Surgeon or Chief Medical Officer, no Magistrate need attend to witness execution of a sentence of death, unless the Commissioner or Magistrate of the District should think it desirable, but when the officer in charge of the jail is of no rank, the Magistrate or a subordinate deputed by him should be present at the execution.

CIRCULAR, *dated, August 5th* 1873.

C. G. PART I *p.* 931.

In appointing Honorary Magistrates and members for school Committees, Road-Cess Committees, and Municipal Committees, a real and earnest effort should be made to find out fit persons from all bodies designed in some sort to represent the natives. The selection of Honorary Magistrates from men of the upper classes only is undesirable.

142. CIRCULAR No. 23, *dated, August 11th* 1873.

In all reports, proper names of persons and places

that are not familiarly known or commonly used in official correspondence should be written in printed and not running character.

143. CIRCULAR No. 98, *dated, August 11th* 1873.

Remissions of sentence under the mark system will be allowed on the recommendation of the Jail authorities, provided the Magistrate of the District to which the prisoner belongs, has no special reasons to urge against such remission being granted.

144. CIRCULAR No. 99, *dated, August 21st* 1873.

All Ministerial Officers are absolutely prohibited from purchasing, or taking any share in, or being in any way concerned in the sale of property which has been the subject of litigation, or has been seized in execution, in the court to which they are attached, or in any court subordinate to such court.

145. NOTIFICATION No. 2500, *dated, August 21st* 1873. C. G. PART I, *p* 1032.

When an Accountant-General checks any allowance as unauthorized, its payment should be immediately discontinued until due sanction for it can be obtained.

An Accountant-General's objection must prevail absolutely and immediately, even to the recovery of erroneous payments, over every authority under that of the local Government.

146. CIRCULAR No. 1 V. S., *dated, September 1st* 1873.

Draws attention to circular No. 73, *dated,* 3-12-68, which prohibits Medical Officers from granting certificates to public servants for transfer to a better station on the score of health unless they are specially

asked by Government so to do.

147. CIRCULAR No. 107, *dated, September 2nd* 1873.

Native christians should be recorded as such in all Judicial proceedings without any reference to their former caste.

148. CIRCULAR No. 32, *dated, September 10th* 1873.

Government servants are prohibited from making public, or communicating to individuals, without the previous sanction of Government, any documents, papers, or information which they may have become possessed of in their official capacity.

149. CIRCULAR No. 14, T. F, *dated, September 11th* 1873.

Whenever a Public Officer is employed by the departmental superior to write at his leisure a book for official and public use, his remuneration should be settled with the sanction of the Government of India in the Financial Department before the work is undertaken.

150. CIRCULAR No. 145, *dated, November 29th* 1873.

Any convict, under sentence of transportation who may have escaped from the Penal Settlement of Port Blair, should, on re-capture, be at once sent back to the Penal settlement to be dealt with there according to rule, instead of being committed to any Indian Court for trial.

See. No. 167.

151. CIRCULAR No. 147, *dated, December 9th* 1873.

The payment of the expenses of complainants and witnesses in criminal cases should not be restricted to budget allotments. In every case in which the Court

thinks it right to pay the expenses of a witness or complainant, the payment must be offered.

If the budget allowance be exceeded, a fresh assignment should be made on application ; in the meantime no necessary payment should be withheld.

152. Letter No. 5389, *dated, December 16th* 1873.

It is left entirely to the discretion of the Court to pay or not to pay the expenses of witnesses, and this discretion must be exercised without reference to the fact of their having appeared for the prosecution or defence, or any supposed estimate of the means of the accused.

Payment of witnesses' expenses by Government is limited to heinous cases, and, as a rule, if the Judge believes that the witnesses were reasonably summoned without collusion or conspiracy on their part, he should pay their expenses whether the prisoner is convicted or not ; but if he thinks they are false and unnecessary witnesses engaged in a conspiracy to defeat justice, or that an unreasonable number are summoned, he may refuse the payment of their expenses.

153. Notification No. 3816, *dated, December 19th* 1873.

I. G. Part I, *p.* 1019.

Remits the fees chargeable on applications presented to a Collector for refund of the amount paid to Government for stamped paper, which has become spoiled or unfit for use, or is no longer required for use,

and on applications for renewal of stamped paper which has become spoiled or unfit for use.

154. CIRCULAR No. 152, *dated, December 22nd* 1873

In preparing the descriptive roll of a convict sentenced to transportation, the Magistrate should furnish full particulars of any scars, moles, or other marks on his person. Nothing should be omitted which may tend to the identification of the convict hereafter.

155. CIRCULAR No. 1, *dated, January 10th* 1874.

Indiscriminate use of Indian words in English correspondence is prohibited. This restriction is not meant to govern necessarily the style of correspondence carried on between a Local Government and the officers subordinate to it, but is applicable mainly to writings intended to go beyond one Local Government. When in such papers a correct English equivalent to a local vernacular designation cannot be given, the word can usually be best explained by reference to the class or business to which an office or employment belongs; for the chief difficulties are found to occur in returns of subordinate establishments.

156. ORDER OF THE GOVT. OF INDIA, No. 831, *dated, January 31st* 1874.*

Every Court and Officer before whom a document requiring a stamp under the Court Fees Act is

* Figure-head of Court fee stamps to be punched and the piece to be destroyed before any action is taken upon the documents to which the stamps are attached. (H. C. C. O. No. 5, dated, 24-2-74).

produced, is bound to see that the figure-head of the stamp is punched out and destroyed before taking action on the document.

157. CIRCULAR No. 3, *dated, February 5th* 1874.

All Native Officers signing bills or orders for payment of money should give their signatures in full [either in the English character, or in their own vernacular. (Circular No. 8, dated, 16th March 1874.)]

158. NOTIFICATION No. 126, *dated, February 10th* 1874.

C. G. PART I, *p.* 438.

Directs that Officers hitherto called Honorary Assistant Surgeons be styled Honorary Surgeons, and Honorary Surgeons as Honorary Surgeons Major.

159. NOTIFICATION No. 1070, *dated, February 12th* 1874.

I. G. PART I, *p.* 110.

Court Fee leviable on applications for the deposit of rent not exceeding Rs. 15.

If the amount deposited exceeds		but does not exceed		Proper fee.	
Rs.	As.	Rs.	As.	Rs.	As.
,,	,,	2	8	,,	1
2	8	5	,,	,,	2
5	,,	10	,,	,,	4
10	,,	15	,,	,,	6

160. RESOLUTION No $\frac{13}{467}$, *dated, February 13th* 1874.

Covenanted Civil Servants and Military Officers in civil employ and all persons holding civil offices ordinarily held by civilians or commissioned officers

of the two classes aforesaid are prohibited from acquiring or holding* land within the Province with the administration of which they are concerned whether that connection be permanent or temporary.

Servants of Government should abstain from making any investment other than that in land for the profits of cultivation which interests them privately in affairs or undertakings of the kind with which their public duty is connected. Public servants are forbidden to enter into habitual† speculation and Government reserves to itself full power to deal stringently with the practice whenever it appears to prevail.

Officers whose whole time is not at the disposal of Government are not precisely in the same category with other public servants, nevertheless they are prohibited from making in any way private profit out of the opportunities given by their official position.

161. CIRCULAR No. 10, *dated, February 23rd* 1874.

When a reference is made by the Superintendent of Port Blair regarding the sentence of any convict, a most careful enquiry should be made into his case before any reply is given.

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* Land-holding means only the acquisition of land intended for cultivation, not of land occupied by buildings for residence. vide. Sir C. Wood's Despatch 10th August, 1861 approved in para 4 of Government Despatch to the Secretary of State No. 40, 14th June 1873.

† No fixed rule of conduct can be laid down as to the nature of the speculations, in which public officers may not engage, and such as Government may properly disapprove. The difference between permanent and speculative investments is one of motive and the frequency of a man's purchase and sales is usually very good evidence of his motive in effecting them.

162. CIRCULAR No. 8, *dated, March 7th* 1874.

In public accounts fractions of the anna should, as far as convenient, be avoided, but the column for pies should not be altogether abolished. If such fractions occur in the earlier stages of the accounts, it is necessary to record them, but in the later stages they may be thrown out with advantage.

163. RESOLUTION No. 2124, *dated, March* 31*st* 1874. C. G PART I, *p.* 724.

All Officers of Government are enjoined to bring to account all transactions to which they in their official capacities are parties, and to deposit all moneys in the Government Treasuries.

164. CIRCULAR No. 1 V. S., *dated, April* 1*st* 1874.

Directs that Officers hitherto called Sub-Assistant-Surgeons be in future styled "Assistant Surgeons."

165. NOTIFICATION No. 2623, *dated, April* 24*th* 1874. I. G. PART I, *p.* 264. *

(a) Whenever a grant of probate or letters of

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* The *advalorem* fee under the Court Fees Act, if paid in respect of the first grant of letters of administration, is not again payable when a second grant is made in respect of the same property: In the goods of Moson, 6 B. L. R. App. 139; in the goods of Innes, 8 B. L. R. App. 43.

When property in respect of which letters of administration are granted is subject to a mortgage, the *advalorem* fee is chargeable on the value of the property, less the amount of the incumbrance: In *re* Innes 8 B. L. R. App 43.

See Sec. 19 C, added to Act VII of 1870 by Sec. 6 of Act XIII of 1875.

Probate duty is payable in respect of the interest which has accrued between the time of the death of the deceased and the grant of administration: Attorney General vs. Partington, 1 Hurlt. and Colt, 457.

An administration—bond is chargeable with duty under the Stamp Act, in addition to the fee prescribed by the Court Fees Act, See Act I, of 1879, Sch. I; No 2, and S. 59: See also Judgment of H. C. Calcutta dated, 9-6-81, passed on a reference from the Chief Commissioner of Assam.

administration shall have been made in respect of any property forming part of an estate, the amount of fees then actually paid under the Court Fees Act, shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

(b) Whenever a grant of probate or letters of administration shall have been made in respect of any property belonging to an estate, no fees shall be chargeable under the said Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate.

(c) This notification applies to the whole of British India.

166. Notification No. 2768, *dated, April 30th* 1874. I. G. Part I, *p.* 273.

When a plaint disclosing a reasonable case on the merits, is presented to any Civil or Revenue Court in such a form that the presiding judge or officer without summoning the defendant rejects it, not for any substantial defect, but on account of an entirely technical error in form only, and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the District in which the court is situated, together with a certificate from the Judge or Officer

who rejected the plaint that it was rejected under the circumstances above described; and that the value of the stamp should, in his opinion, be refunded.

167. CIRCULAR No. 22, *dated, May 27th* 1874.

The Police, who have arrested a person upon the charge of having escaped from Port Blair, will apply to the Magistrate before whom the accused has been brought for an adjournment, to enable them to ascertain whether a warrant has been received from Port Blair for his recapture. Inquiry should be made at the Home Department of the Government of India, if no warrant has been received by the police of the Province in which the convict has been arrested. And in all cases of escape by a life-convict, the Superintendent of Port Blair or other Magistrate having jurisdiction, as soon as the fact of escape is known, should issue a warrant charging him with having committed an offence under section 224, Penal Code, to the chief of the police of the Province or administration in which the convict is known or is likely to be found, and should also forward a warrant forthwith to this department. If the warrant is forthcoming, the Magistrate by whom the case is being enquired into will decide whether there is any reason why the accused should not be removed in custody, under section 170, Criminal Procedure Code, (now sec. 86) to the Magistrate at the Andamans who issued the warrant.

168. NOTIFICATION No. 4193, *dated, July 3rd* 1874.
I. G. *p.* 369.

Remits the fees chargeable under the Court Fees Act 1870, on—

A. Copies of village settlement records furnished to land-holders and cultivators during the currency or at the termination of settlement operations.

B. List of fields extracted from village settlement records for the purpose of being filed with petitions of plaint in Settlement Courts.

2. Nothing in this notification applies to—

(*a.*)—Copies of Judicial proceedings.

(*b.*)—Copies of Village Settlement records (other than lists of fields extracted as aforesaid) which may be filed in any Court or Office.

169. CIRCULAR No. 5v. s., *dated, July 6th* 1874.

When a Ministerial Officer is transferred from one Subordinate Office to another by the controlling departmental Officer he is to get his pay during transit; but when he obtains permission from his superior officer to accept and take up an appointment in the ministerial establishment of another office, he gets no pay during transit.

170. CIRCULAR No. 88, *dated, August 10th* 1874.

Early intimation of the arrest by the Police of any soldier, European or Native, should be given by the District Magistrate to the Officer commanding the Regiment to which the man arrested may belong, to enable any necessary measures to be taken for the defence.

171. GOVERNMENT ORDER No. 19T, *dated, August 14th* 1874.

A Collector, to whom an unused judicial stamp may be tendered for a refund of the value, should ordinarily refuse to comply with the application; if he considers that there are special grounds for allowing the refund, he should receive the stamp and report the case for orders, but he should in no case cancel the stamp till the refund has been sanctioned by Government. If the refund be not allowed, the Collector will return the stamp uncancelled to the petitioner.

172. CIRCULAR No. 20, *dated, August 17th* 1874. *

Every officer may apply for pension or gratuity before he has retired from service, but the application must be supported by a certificate signed by the head of the office to the effect that the officer is likely to retire within six months.

173. RESOLUTION No. 5790, *dated, September 26th* 1874.

Certificates granted under Act XXVII of 1860, entitling the holder to draw interest of Government securities, should bear stamp duty with reference to the value of the securities and not with reference to the amount of interest to be drawn.

174. CIRCULAR No. 28, *dated, November 14th* 1874.

Prescribes the form of statement which is to accompany application for increase of establishment.

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* Separate statements and letters should accompany each application for pension and gratuity. (H. C. C. M. No. 33, dated, 25-11-63.)

Extract from Home Department of Govt. of India.		Office to which the proposition refers.	Name of charge.		Proposition.						Grounds of proposition.	Local Government's recommendation.	Orders of the Government of India.		
					Permanent.		Temporary.						Home Dept.	Financial Department.	
Number.	Date.		Present scale.	Proposed scale.	Increase per month.	Decrease per month.	Period.	Increase per month.	Period.	Decrease per month.			Remarks.	Remarks.	Orders.
			Rs.As.P.	Rs.As.P.	Rs.As.P.	Rs.As.P.		Rs.As.P.		Rs.As.P.					

175. Circular No. 8, V.S., *dated, December 29th* 1874.

An uncovenanted officer who has attained the age of 55 years is not to be allowed any leave other than privilege leave.

176. Circular No. 1, C. S., *dated, January 4th* 1875.

Government should be furnished regularly with extracts from annual reports to the High Court, bearing on the conduct and qualifications of Subordinate Judicial Officers.

177. Notification No. 855, *dated, February 5th* 1875.
I. G. Part I, *p.* 62.

Whenever upon payment of the full fee chargeable under the Court Fees Act, a certificate of administration has been granted under Act XL of 1858, or Act XX of 1864, and a fresh certificate is for any reason subsequently granted in respect of the same estate, no fees shall be chargeable upon the fresh certificate so granted.

178. Circular No. 19, *dated, March 19th* 1875.

In making references to Government under Sec. 272 Criminal P. C. (now sec. 417.) the referring officer should clearly state the point or points on which an appeal is preferable.

179. Notification, *dated, March 31st* 1875.
C. G. Part I, *p.* 421.

The following officers of the E. I. Railway in Bengal are exempted from service as jurors or assessors in criminal trials in places beyond the ordinary original jurisdiction of the High Court :—

Engineers in charge of the line.

Engineering Inspectors employed on the line.

Locomotive Foremen and Drivers in charge at changing stations.

Drivers of pilot engines.

Station Masters.

[District Superintendents of Traffic, Assistant Superintendents of Traffic, and Guards. (Notification, dated, May 7th 1875. C. G. Part I, *p.* 592.)]

[District and Assistant Superintendents of the Locomotive Department of the East Indian Railway in Bengal. (Notification, dated, July 23rd 1875. C. G. Part I, *p.* 928.)]

180. CIRCULAR No. 22, *dated, April 5th* 1875.

Bonds given by private parties as security for ministerial officers are exempted from payment of registration fees but those given for Batwaree Ameens are not so exempted.

181. CIRCULAR No. 4, *dated, April 19th* 1875.

In submitting to Government any reports which are ordinarily printed, or which are likely to be printed, Civil and Sessions Judges should not append (except for special reasons)any subsidiary reports thereto, but will abstract, in the body of their own reports, such portions of such subsidiary reports as they desire to bring to the notice of Government.

***182.** CIRCULAR No. 5 C. S., *dated, April 26th* 1875.

All officers should report promptly to Govern ment the dates on which they take leave and th dates on which they rejoin.

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* Every transfer of charge of any Gazetted office should be reported by post of the same day to the Accountant-General (Rule 8, A. C. Code, P. 9.)

183. CIRCULAR No. 1717, *dated, May 22nd* 1875.

The following scale of Permanent Advances has been sanctioned for the undermentioned officers.

	Rs.	
For Commissioners	200	Without distinction of districts, but at the discretion of the Accountant-General.
„ Judges	100	
„ Collectors	100	
„ Magistrates	200	
„ Jails (central and district)	200	
„ District School Committees	100	
„ District Superintendents of Police up to	200	
„ Sub-divisional Magistrates ...		Amount to be fixed by the District Magistrate and not to exceed Rs 150, except at Raneegunge, Rajmehal, and Goalundo, where advances may be allowed up to Rs. 250.
For Registration Department ...		A consolidated advance of Rs. 200 for each District Registrar.

184. CIRCULAR No. 16, *dated, June 4th* 1875.

Application for the grant of special pension or gratuity is to be submitted in triplicate.

185. NOTIFICATION No. $\frac{19}{1134}$, *dated, July 8th* 1875.
C. G. PART I, *p.* 893.

I. No officer in the service of Government is permitted, without the previous sanction, in writing, of the Government under which he immediately serves, to become the proprietor, either in whole or in part, of any newspaper or periodical publication, or to edit or manage any such newspaper or publication. Such sanction will only be given in the case of newspapers or publications mainly devoted to the discussion of topics not of a political character, such for instance as art, science, or literature. The sanction will be liable to be withdrawn at the discretion of the Government.

II. Officers in the service of Government are not prohibited from contributing to the public press, but their position makes it incumbent upon them to confine themselves within the limits of temperate and reasonable discussion, and they are prohibited from making public, without the previous sanction of Government, any documents, papers, or information of which they may have become possessed in their official capacity. These rules have been hitherto in most cases honorably observed. In case of a departure from them, or if the Government should consider the connection of any officer with the press to be contrary to the public interests, his liberty to contribute will be withdrawn.

III. The Government of India will decide, in case of doubt, whether any engagements of officers

with the press are consistent with the discharge of their duties to Government.

IV. Nothing in this resolution is intended to relax the provisions of any regulations on this subject which now apply to the Army.

N. B. See No. 191.

186. CIRCULAR No. 37, *dated, August 3rd* 1875.

Judicial Officers of one province should not accept remuneration for executing commissions issued by courts of other provinces.

187. RESOLUTION No. 2873, *dated, August 28th* 1875.

It is a well-understood principle that the Government does not allow its officers to take any pay or fees whatever from any other Government, body, or individual, unless the services of such officer are by special permission lent to such Government, body, or individual.

188. CIRCULAR No. 31, *dated, September 30th* 1875.

Each Department will be held responsible for the periodical examination of its forms, in view to striking off from the list those forms that are obsolete or can be dispensed with.

189. CIRCULAR No. 18, *dated, November 2nd* 1875.

No charge for any postage labels but service postage labels shall be admitted in any contingent bill, and every charge for service postage labels must be supported by the receipt of a Treasury Officer, which shall always be sent to the Audit Officer, whatever the amount be of such receipt.

190 CIRCULAR No. 57, *dated, November 6th* 1875.

Any instance of forgery or fraudulent use of any description of stamps, whether general, judicial, postal, or telegraph, should be reported to Government. Such report should invariably be accompanied by full particulars as to the nature of the forgery or fraud perpetrated, and if possible, by specimens.

191. NOTIFICATION, *dated, November 17th* 1875.

C. G. PART I, *p* 1443.

The Notification No. $\frac{19}{1134}$, *dated, July 8th* 1875, defining the extent to which Public Officers are permitted to connect themselves with the Press, applies only to officers in the service of Government. An Honorary Magistrate is not an officer in the service of Government within the meaning of the Notification.

192. CIRCULAR No. 59, *dated, November 22nd* 1875.

Under Section 7, Act XXXVI of 1858 all officers transmitting insane patients to lunatic asylums are required to furnish with them a statement containing full particulars regarding such insanes according to the instructions laid down for the guidance of Magistrates on that subject.

193. CIRCULAR No. 19, *dated, December 7th* 1875.

No books should be purchased without the sanction of Government. Annotations of Acts are not to be supplied at the public cost.

194. CIRCULAR No. 8, *dated, February 18th* 1876.

Draws attention to the rules laid down with regard to the transmission of civil and ordinary insanes to lunatic asylums.

195. CIRCULAR No. 788, *dated, March 15th* 1876.

Security should be taken from subordinate officers who are entrusted with the disbursement of the public money.

196. CIRCULAR No. 19, *dated, April 7th* 1876.

All Judicial Officers should sign their names distinctly and legibly in all public documents.

197. CIRCULAR No. 20, *dated, April 7th* 1876.*

In issuing a warrant for the execution of a sentence of death, the date on which the execution is to be carried out should not be less than 14, nor more than 21 days from the date of the issue of the warrant.

198. CIRCULAR No. 21, *dated, April 17th* 1876.

The cases which a first class Magistrate can adequately deal with should not be committed to the sessions, and second class Magistrates should resort freely to the procedure laid down in Sec. 46 CR. P. C. (now sec. 349).

Sub-Divisional Officers may be vested with 1st class powers provided that they have passed the

* Police officers should at once give notice to the Superintendent of Jail of the sentence of death passed by the Sessions Court. Warrants for the execution of sentence of capital punishment together with a copy of the High Court's order confirming the sentence should be transmitted to the jail Superintendent. If there be any delay in carrying out of the capital sentence Jail Superintendent should immediately report the circumstance to the Sessions Judge, returning the original warrant, either for the issue of a fresh warrant or for the endorsement upon the first warrant of an order containing a definite date for carrying out the postponed sentence into effect. The Superintendent of Jail on receiving the warrant should at once communicate with the District Magistrate but if he is the Superintendent of Central Jail or a Civil Surgeon or Civil Medical Officer he is solely responsible for the proper execution of the sentence. A prisoner condemned to death is allowed the privilege of petitioning His Honor the Lieutenant-Governor, in case his appeal be rejected by the High Court. Such petition should at once be forwarded direct to the Inspector of Jails for submission to Government. (Jail Code P 117 & 118.)

Higher standard examination in law and in vernacular language and have exercised 2nd class powers for upwards of one year; and provided further, that the District Judge, District Magistrate and Commissioner certify that they are fully competent to exercise such powers.

199. CIRCULAR No. 11, *dated, May 18th* 1876.

Rules for the purchase of Books published in India.

Rule I.—Officers of Government are usually supplied at Government expense with books and periodicals (excluding newspapers) published in India in one of these ways: they are either supplied by Government, obtained from Government on application, or purchased.

Rule II.—The books and periodicals regularly supplied are those copies of which Government consider necessary for their officers, and they are usually published by Government, such, for instance, as the *Statistical Reporter* and the *Calcutta Gazette*. Other publications of Government, such as the annual administration reports of its different departments, or the reports submitted from time to time on special subjects are only supplied by Government to a limited number of its officers; other officers to whom books and periodicals of this nature are not ordinarily sent may obtain them by a formal application to Government.

Rule III.—Books not published by Government and not supplied gratis, must, if required, be purchased; but no book or periodical published in India

may be purchased or ordered at the public expense by any officer without the previous sanction of Government, or of those heads of departments to whom Government may delegate the necessary authority. When books of this nature are required, a formal application should be submitted through his official superior by the officer requiring them.

Rule IV.—As a rule, the purchase of no books but law books will be sanctioned. Commentaries and annotations on Acts of the legislature should form part of an officer's own library, and directories and books of reference will only be allowed when it is shown that inconvenience will result to the public service from their absence.

Rule V.—In appendix A will be found a list of those heads of departments to whom authority has been granted to sanction applications for the purchase of books. This sanction should in every case be reported to Government for information.

Appendix A.

Surgeon-General, Indian Medical Dept.
Inspector-Genl. of Police.
Inspector-General of Jails.
Inspector-General of Registration.
Director of Public Instruction.
Master Attendant.
Conservator of Forests.
Secretary to the Board of Revenue, Land Revenue Department.
Secretary to the Board of Revenue, Opium, Excise, &c., Depts.
Sanitary Commissioner, Bengal.

200. CIRCULAR No. 29, *dated, June 9th* 1876.

The Superintendent of lunatic asylum should not return lunatics on the ground that the documents sent with them were not prepared in accordance with the prescribed rules. Should there be any infringement of the prescribed rules, he should submit a report to Government.

201. CIRCULAR No. 23, *dated, July 24th* 1876.

Gives a list of officers under the Government of Bengal who are to submit their Indents for stationery through the heads of their Departments, and of the heads of Departments through whom the Indents are to be submitted and also of officers who are to submit their Indents direct to the Superintendent of Stationery.

202. CIRCULAR No. 40, *dated, July 24th* 1876.

All Government servants are generally prohibited from accepting from any person, presents, gifts, donations or rewards, pecuniary or otherwise. The prohibition of the receipt of presents does not extend to the receipt of a few flowers, or fruits, and articles of inappreciable value, although even such trifling presents should be discouraged.

203. CIRCULAR No. 42, *dated, July 28th* 1876.

Several teachers from one and the same institution should not be summoned on the same occasion to serve as jurors or assessors.

204. CIRCULAR No. 45, *dated, July 31st* 1876.

Ordinary cases of fraudulent use of postage labels, need not be reported to the Government of India,

unless there is some peculiarity about the case which makes it important.

The discovery of any *forged* postage labels should be immediately reported.

205. CIRCULAR. No. 23, *dated, November 2nd* 1876.

Rules for presentation of memorials by officers in the civil employ to Government.

(*a*) [Every officer, wishing to address a memorial to Government shall do so separately and not in concert with others, but the private interchange of individual opinions is not prohibited.

(*b*) No officer in the employment of Government may submit any memorial in respect to any matter connected with his official position in which he is not personally interested, except as the agent of persons unable to act in their own behalf. The personal interest referred to in this rule may be indirect.

(*c*) But any correspondence which the managers of Service Funds, *as such*, may have to conduct with Government is not forbidden. (Circular No. 29, dated, 7-10-79.)]

(*d*) No officer in the employment of Government shall submit a printed memorial.

(*e*) No memorial shall be submitted in a form set for general adoption, but shall be couched in the memorialist's own words, and in temperate and respectful language.

(*f*) Any memorial contravening these rules will not be taken into consideration by the autho-

rity to which it is submitted, and the officer or officers submitting such memorials will incur the serious displeasure of Government.

206. Circular No. 3 V. S, *dated, December 11th* 1876.

Whenever a District Officer considers it necessary to nominate a Munsif to be a member of either the Road-cess Committee or the Municipal Board, he should obtain the approval of the District Judge and the High Court to the nomination before submitting it for the sanction of Government.

See. No 362.

207. Circular No. 1, *dated, January 24th* 1877.

Service books should be kept in English.

208. Circular No. 2, *dated, January 30th* 1877.

All new estimates of revenue and expenditure sent to the Financial Department are to be accompanied by explanations of any salient differences between them and the latest regular estimates of the preceding year. Explanation should also be given, of any difference between the new estimates and the original estimates of the preceding year.

209. Notification, *dated, February 9th* 1877.

C. G. Part I, *p.* 211.

No municipality constituted under Act V (B. C.) of 1876 shall vote a reward to any servant employed by them, except with the previous sanction of the Commissioner of the Division in which the municipality is situated; and in cases where the proposed gratuity exceeds one year's pay of the officer whom it is proposed to reward, the consent of the Lieutenant-Governor shall be previously obtained.

210. NOTIFICATION No. 1457, *dated, March 8th* 1877. I. G. Part I, *p.* 131.

When any Public Officer is compelled to leave a station, where there is no medical officer, in order to procure medical advice, he may draw travelling allowance at the ordinary rates to and from the station where the nearest civil medical officer is located. Bills for travelling allowance drawn under these orders must be countersigned by the medical officer consulted, who must certify that the journey was, in his opinion, absolutely necessary. Halting allowance may not be drawn while the officer is at the medical officer's station, and if the absence of the sick officer from his station be prolonged, he should be required to take leave on medical certificate.

211. CIRCULAR No. 20, *dated, March 24th* 1877.

No appointments are to be made of Mohurrirs who are not acquainted with English.

212. CIRCULAR No. 24, *dated, April 12th* 1877.

Rules for payment of expenses of complainants and witnesses in criminal cases.

I. The Criminal Courts may pay the expenses of complainants or witnesses (1) in cases in which the prosecution is instituted, or carried on by, or under the orders, or with the sanction of Government or any Judge, Magistrate, or other public officer or in which it shall appear to the presiding officer to be directly in furtherance of the interests of public service; (2) in all non-bailable cases, and (3) of witnesses in all cases in which they are com-

pelled to attend under Sec. 351 of the Criminal Procedure Code (now sec. 540).

II. No payment shall be made to witnesses summoned at the instance of the complainant, under Sec. 361 (now sec. 244) unless the prosecution appears to the Court, or Magistrate to be in furtherance of the interests of public justice.

III. As a general rule the allowances to be paid to complainants and witnesses shall be a diet allowance calculated, at the following rates:—

(*a*) For the ordinary laboring class of natives 2 annas per diem.

(*b*) For natives of higher rank 4 annas per diem.

(*c*) For Europeans and natives of superior rank according to circumstances up to a limit of Rupees 3 per diem.

IV. In addition to the above, charges for toll at ferries will be allowed at the authorized rates, to the extent to which they may have been actually incurred.

V. Other travelling expenses will be given only when the journey could not have been performed on foot, or in the case of persons whose age, position, and habits of life render it impossible for them to walk. In such cases, travelling expenses should be given at the following rates:—

(1) When the journey is by rapid dâk by road, the actual expenses incurred up to 4 annas per mile.

(2) Where the journey is wholly or partly by rail.

(*a*) For the ordinary class of natives actual railway fare by the lowest class.

(*b*) For natives of higher rank, third class railway fare.

(*c*) For Europeans and natives of superior rank, second class railway fare.

(3) In the Eastern Districts of Bengal, where the only mode of travelling is by water, the actual expenses incurred for boat hire up to a limit of Rs. 2 per diem.

VI. From the above rules are excepted:—

(1) Government servants, who shall receive no diet allowance but shall be entitled to actual travelling expenses only to an amount not exceeding what they would be entitled for the journey under the rules ordinarily applicable to officers in the departments to which they belong.

(2) Witnesses following any profession, such as medicine or law, to whom a special allowance shall be given, according to circumstances.

VII. Officers will be held responsible that parties of witnesses are brought to court together, as far as possible so as to save expense. The hire of more than one boat shall not be allowed in one case, unless the presiding officer is satisfied that the witnesses could not have arranged to come together.

VIII. The number of days for which diet allowance should be granted will be fixed by the presiding officer.

IX. A table shewing the distance of each Thana from the Sadar, and subordinate station and the intermediate ferries &c. should be kept in each station.

213. CIRCULAR No. 8, *dated, June 28th* 1877.

No Public Officer should draw allowance for house rent while he is occupying public premises.

214. CIRCULAR No. 41, *dated, July 4th* 1877.

The rule of not retaining an apprentice if he fails to get an appointment after 5 years, does not apply to copyists.

215. NOTIFICATION No. 2041, *dated, July 20th* 1877. I. G. PART I, *p.* 382.

The following copies of documents are exempted from Court Fees :—

(a) Copies of all documents furnished under the orders of any Court or Magistrate to any Government advocate or pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of Government before any Criminal Court.

(b) Copies of all documents which any such advocate, pleader or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate, or may consider necessary for the purpose or advising the Government in connection with any criminal proceeding.

(c) Copies of judgments and depositions required by officers of the Police Department for

conducting appeals on behalf of Government before any Criminal Court.

216. CIRCULAR No. 47, *dated, July* 21st 1877.

Rural Sub-Registrars when summoned as witnesses in criminal cases are to be treated as professional witnesses and special allowance shall be made under Rule VI clause 2 of Circular No. 24, dated, 12th April 1877 calculated upon their average monthly commission.

217. RESOLUTION No. 2055, *dated, July 25th* 1877. C. G. PART I, *p.* 966.

No public money should be removed from the public Treasury for investment without the sanction of the Government of India, and this applies to local fund balances as much as to provincial funds.

218. NOTIFICATION No. 2127, *dated, July 27th* 1877. I. G. PART I, *p.* 409.

The fee chargeable under the Court Fees Act on plaints filed in suits for possession of immovable property under section 9 of the Specific Relief Act, No. I of 1877, shall be one half of the amount prescribed in the scale of fees for plaints mentioned in Schedule I, article 1, of Act VII of 1870.

219. CIRCULAR No. 9, *dated, July 27th* 1877.

Rules regarding the occupation &c. of Circuit-house.

I. Circuit-houses are primarily intended to accommodate Commissioners and Judges on circuit. The other officers named in the revised list appended to this Resolution are also privileged to occupy them free of charge when travelling on duty; but

no officer is entitled to take up his residence in a circuit-house at the station which is his head-quarters, except after obtaining sanction in the manner described below.

II. Subordinates of the Public Works Department can only be permitted to occupy circuit-houses under exceptional circumstances, and for as short a period as possible. The rent to be realized from the subordinates of the Public Works Department should vary with their rank according to the scale noted in the margin, as laid down in clause 18, section 2, Chapter IV of the Code of Regulations for the Public Works Department.

Supervisors,	1st	grade Rs.	15 monthly
ditto	2nd	„ ,	10 „
Overseers,	1st	„ „	7 „
ditto	2nd and 3rd	grade	6 „

III. Circuit-houses are under the immediate charge of the Magistrates of the districts in which they are situated, and the Magistrates are responsible for their proper maintenance, and for the observance of the rules regarding them.

[IV. The rents received from the casual occupants of circuit-houses, and the pasturage fees and other proceeds from the grounds, should be credited to Government; and all expenditure that may be required by Magistrates for keeping the houses and grounds in proper order, and maintaining the furniture and equipments, should be met from allotments in the budget. District Magistrates should, therefore, make provision for such expenditure in their annual estimates.

V. The repairs to circuit-houses will be executed by the Public Works Department of this Government under the quadrennial system, as explained in that Department Resolution No. 235 A, dated, 25th February 1878, but any petty repairs which may be required during the intervals between quadrennial repairs should be executed under the orders of the Magistrate, and paid for from the allotment made to his district for "petty constructions and repairs." (Cir. No. 39, dated, 19-9-78.)]

VI. As difficulty is sometimes experienced by new comers in obtaining house accommodation at some stations, the Government has no objection to the temporary occupation of circuit-houses in such cases on payment of rent; but no arrangement shall be made for letting out any part of a circuit-house without the sanction of the Commissioner of the division, who will carefully bear in mind, and give effect to the principle, that the accommodation and convenience of officers entitled to the use of the building is the first consideration. It must be made a well-understood and special condition with every person who may be allowed to occupy a circuit-house, on any terms for his own convenience, that he must distinctly undertake to provide accommodation for officers, who are entitled to it on the shortest notice, and at whatever inconvenience to himself, when such officers make short visits to out-stations. He must also be prepared to vacate the circuit-house when the Commissioner, or any other authorised

officer, wishes to pay a prolonged visit, bringing his office, &c, with him.

VII. It being an object that residents of stations should occupy circuit-houses only so long as they are really unable to procure adequate accommodation elsewhere, the rent to be charged to such persons should be fixed at least 25 per cent. higher than the rent paid for similar accommodation at the station; the same principle will be applied when resident officers are allowed to occupy portions only of circuit-houses.

VIII. It is the duty of the Commissioner of the division to see that the authority vested in him by Rule VI to allow residents of stations to occupy circuit-houses only in cases of real emergency, is not abused. As a rule, the Commissioner of the division, in exercising the discretion allowed him, should restrict it, if possible, to single men; for if a married man occupies the circuit-house, the condition as to making way for an inspecting officer becomes practically nugatory.

IX. Commissioners are to submit to Government Quarterly returns showing the persons to whom, and the terms on which, the circuit-houses, of the districts in their respective divisions have been leased under these rules.

X. In all matters connected with circuit-houses, the Magistrates are under the control of the Commissioner as much as they are in all other branches of their executive charge.

XI. [A visitor's book shall be kept at each circuit-house, and shall be signed by every person using the circuit-house immediately on arrival.

The visitor's book shall be shewn by the chowkidar in charge of the circuit-house to the Magistrate of the district daily, or at such intervals as the Magistrate may prescribe.

Revised List of Officers privileged to occupy Circuit-houses free of charge when travelling on duty.

Secretary to the Government of Bengal, Public Works Department.

Assistant Secretaries to the Government of Bengal, Public Works Department.

Commissioners of Divisions.

Judicial Commissioner of Chota Nagpore.

Zillah Judges on circuit.

Additional Judges on circuit.

Chief Engineer to the Government of Bengal.

Assistants to Chief Engineer to the Government of Bengal.

Superintending Engineers.

Executive Engineers.

Assistant Engineers.

Accountant-General, Bengal.

Examiner of Public Works Accounts.

Deputy Examiner of Public Works Accounts.

Assistant Engineers of Public Works Accounts.

Sanitary Commissioner.

Conservator of Forests.

Assistant Conservator of Forests.

Inspector-General of Police.
Deputy Inspectors-General of Police.
Director of Public Instruction.
Inspectors of Schools.
Postmaster-General.
Inspecting Postmasters.
Inspector-General of Jails.
Surgeon-General, Indian Medical Department.
Deputy Surgeon-General, Indian Medical Department.
The Archdeacon.
Chaplains on duty.
Inspector-General of Registration, Lower Provinces.
Inspectors of Registration Offices.
Deputy Commissary-General.
Political Agent, Hill Tipperah.
Superintendents of the Telegraph Department.
Assistant Superintendents of the Telegraph Department. Cir. No. 15, dated, 5-6-83.)]

220. Resolution No. 2067, *dated, July 28th* 1877.
C. G. Part I, *p.* 1195.

Fees and cost of medicines paid to a private medical practitioner by a public servant who is entitled to the gratuitous attendance of a Government Medical Officer, or to medicines from a Government Dispensary cannot be reimbursed.

221. Circular No. 36, *dated, August 24th* 1877.

Judges should submit budget estimates to the Accountant-General on or before the 15th September and Magistrates to the Commissioner on or before the 20th August of each year.

222. CIRCULAR No. 18 A, *dated, September 22nd* 1877.

An officer of 55 or 60 years of age should not be compelled to retire on pension if he be efficient for discharging his duties.

223. CIRCULAR No. 54, *dated, November 21st* 1877.

Heads of departments are to see that the Register of contingent charges is duly kept up and the instructions on the subject are strictly carried out.

224. CIRCULAR No. 19, *dated, November 29th* 1877.

No charge shall be entered in any contingent bill for any other than State telegrams. Charges for telegrams must be supported by receipts from the Telegraph Department, showing that they have been classified as State Telegrams.

225. CIRCULAR No. 56, *dated, November 30th* 1877.

Stationery should remain in the custody of a responsible and trustworthy officer.

226. CIRCULAR No. 1, *dated, January 14th* 1878.

There is no rule against summoning several officers from the same station for giving evidence at the same time, but upon proper application being made in each case their convenience shall be duly considered.

227. CIRCULAR No. 2, *dated, January 22nd* 1878.

Service books should be kept in English in all offices of which the head officer is acquainted with English.

228. CIRCULAR No. 1A, *dated, February 11th* 1878.

No officer, unless his services are very urgently required, in which case immediate information should

be given to the Home Department, shall be taken from the general administration for any special duty, except through the Home Department.

229. CIRCULAR No. 2A, *dated, February 11th* 1878.

Deputation allowance of an uncovenanted officer deputed to a distance for a long period on special duty should not exceed Rs. 3 a day, with travelling allowance.

230. CIRCULAR No. 9, *dated, March 11th* 1878.

Annual reports on the validity, of securities filed by ministerial officers of civil courts should be forwarded to Government.

231. NOTIFICATION No. 340, *dated, March 13th* 1878.

I. G. PART I, *p.* 131.

The following Rules are preserved for regulating the periods for which Courts and Magistrates in the territories administered by the Lieutenant-Governor of Bengal may send youthful offenders to reformatory schools in the said territories.

RULE I.—No boy shall be sent to a reformatory school on a first conviction (except as provided in Rule III), if under ten years of age, for a less period than five years; if over ten, for a less period than three years; unless he shall sooner attain the age of 18.

Rule II.—On a subsequent conviction for a similar offence, a boy under ten years of age shall not be sent to a reformatory school for a less period than seven years, if over ten, for a less period than five years, unless he shall sooner attain the age of 18.

Rule III.—A first conviction may bring a boy under Rule II—

(1) if he belongs to a criminal tribe within the meaning of Act XXVII of 1871, Sec. 2;

(2) if either of his parents is an habitual criminal;

(3) if he is destitute; and

(4) if the offence of which he is convicted, is one arguing great depravity.*

*N. B.—The word "depravity" here means a general corruption of morals apart from the specific criminality of the particular act.

See No. 392.

232. NOTIFICATION No. 77, *dated, March 15th* 1878. I. G. PART I, *p.* 132.

The High Court at Calcutta is authorized and empowered to exercise original and appellate jurisdiction and to discharge all the functions of a High Court under the C. P. Code in all Criminal proceedings against European British subjects or persons jointly charged with European British subjects in the Chief Commissionership of the Andaman and Nicobar Islands.

233. NOTIFICATION No. 1845, *dated, March 15th* 1878. I. G. PART I, *p.* 135.

Rules regulating the postage of official covers and the rates of charge on such covers.

Service stamps do not free a letter unless it is also franked; registration may be paid for by service stamps; service covers redirected are not charged with forward postage; under certain circumstances, covers may be sent service bearing; packets may not be more than 18 inches long by 12 inches wide and deep; no cover

weighing more than 600 tolas will be received for despatch on service, though private persons may despatch parcels weighing up to 2,000 tolas; covers weighing over 40 tolas should not, except for special reasons, be sent by letter post; parcels are forwarded under a system which gives the senders the security afforded by registration.

	Letters.	Banghy Post.	
		Packets. see note (b.)	Parcels.
	A. P.	A. P.	A. P.
Covers not exceeding ½ tola ...	0 6	0 0	0 0
Exceeding ½ & not exceeding 10 tolas	1 0	0 6	See note (d).
Do. 10 do. do. 20 do.	2 0	1 0	
Do. 20 do. do. 30 do.	3 0	1 6	
Do. 30 do. do. 40 do.	4 0	2 0	
Do. 40 do. do. do.	1 anna per tola see note (c).	½ anna per 10 tolas.	
Do. 40 do. do. 80 do.	...	...	12 0
Do. 80 do. do. 120 do.	...	...	16 0
For every additional 40 tolas ...	...	...	4 0

(a) Prepayment is optional in all cases, except for registered articles: unpaid rates are the same as the prepaid rates.

(b) In open covers, to contain no letter or communication of the nature of a letter (unless wholly printed, lithographed, or photographed), or anything closed against inspection.

(c) Thus an article weighing 41 tolas will be charged with 41 annas. Articles which exceed 40 tolas will be conveyed by banghy post (as packets or as parcels) at the lower rate of charge, unless specially marked by the senders for transmission as letters or prepaid at letter rates.

(d) No rates are given for parcels not exceeding 40 tolahs in weight, because they can be sent as registered letters at no greater cost.

234. CIRCULAR No. 7, *dated, March 28th* 1878.

Departmental reports should not be too bulky. They should contain summaries of facts supported by accurate statistics; discussions of theories except those which have a direct explanatory bearing upon the facts of the report, should be avoided.

235. CIRCULAR No. 9, *dated, April 17th* 1878.

The following rules are prescribed for the submission, receipt, and transmission of memorials and other papers of the same class, addressed to Her Majesty the Queen, Empress of India, or to the Right Hon'ble the Secretary

N. B.—These rules do not in any way affect or supersede orders issued on the same subject by the military authorities for the guidance of the Army.

of State for India, by private persons or by officer of all civil departments.

I. No memorial will be received or attended to unless forwarded as hereinafter prescribed.

II. Every memorial should be accompanied by a letter requesting its transmission to the authority to which it is addressed.

III. Every memorial addressed to Her Majesty or to the Secretary of State for India, should be forwarded through the Local Government, under which the writer is residing or is employed.

IV. Memorials to Her Majesty or to the Secretary of State from persons in the Madras and Bombay Presidencies should be forwarded direct by the local Government, with a full statement of facts and an expression of opinion, except in the case of memorials which relate to any rule or standing order of the Government of India, or which, if granted, would cause expenditure for which the Imperial and not the Local Government would be primarily responsible, or which relate to any legislative proceeding of the Governor-General in Council. Such memorials should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the department having cognizance of the subject-matter of such memorial, by which department the memorials will be transmitted to the Secretary of State.

V. Memorials to Her Majesty or to the Secretary of State from persons in Bengal, the North-Western Provinces and Oudh, or the Punjab, should be forwarded by the Local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed.*

* Appeals by private persons from the orders of Lieutenant-Governors lie, in the first instance, to the Governor-General in Council. An appeal to the Secretary of State will lie only in the event of an appeal to the Governor-General in Council having been rejected.

VI.—Memorials to Her Majesty or to the Secretary of State from persons in the minor Administrations—the Central Provinces, British Burma, Berar, Mysore, Coorg and Assam—should be forwarded with a full statement of facts and an expression of opinion by the Chief Commissioner, or other officer charged with the administration of the province, to the Government of India in the proper department for transmission to the authority addressed.†

† In these minor Administrations also appeals by individuals from the orders of the Chief Commissioners, &c., lie, in the first instance, to the Governor-General in Council and thereafter to the Secretary of State.

VII. No limit is fixed to the time within which an appeal from an order of the Government in India must be preferred to the Home Government, except in the case of appeals from a judicial decision in which the Judge is a political officer and in which the appeal ordinarily lies to Government in the Political Department. Such appeals‡ must be preferred within a period

‡ When a judicial decision of the nature referred to, has been communicated to the party or parties concerned before the 31st July 1877, he or they may appeal from such decision within 18 months from date.

of twelve months from the date of communication to the persons concerned of the order to which objection is taken.

VIII.—Memorials may be transmitted either in manuscript or in print but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet.

IX.—Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist.

N. B.—It will be well for the transmitting office to examine such translations, and, if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

X.—It is not necessary that memorials should be forwarded in duplicate or triplicate. The originals will invariably be transmitted to England, a copy being made and retained by the Government of India, if necessary, for record.

XI.—As a general rule, the transmission to England of a memorial duly forwarded through the proper channel will not be delayed by the transmitting Government in India beyond a month after the receipt of such memorial.

XII.—Governments and Administrations in India are vested with discretionary power to withhold the transmission of memorials addressed to Her Majesty

or to the Secretary of State in the following cases:

(1)—When a memorial is illegible or unintelligible.

(2)—When a memorial contains disrespectful or improper language.

(3)—When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to Her Majesty by a person whose appeal to the Secretary of State has already been rejected shall be held to be a second memorial to the same authority, and shall not be transmitted.

(4)—When a memorial is a mere application for pecuniary assistance by a person manifestly possessing no claim.

(5)—When a memorial is an application for employment under one of the Governments in India from a person not belonging to the covenanted service.

(6)—When a memorial is a mere appeal from a judicial decision.

(7)—When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.

[When a memorial is an appeal against an order of the Government of India, confirming a decision of a Local Government regarding the dismissal, removal or reduction of a Government servant whose

salary was not more than Rs. 250 a month. (Circular No. 9, dated, 5th February 1879.)]

XIII. The Government of India may withhold the transmission of a memorial addressed to Her Majesty, or to the Secretary of State, unless the memorialist has previously memorialised the Government of India and the Local Government concerned on the same subject.

XIV. A list of memorials withheld under the discretionary power conferred by Rule XII will be forwarded quarterly to the Government of India in the case of memorials withheld by Local Governments, under the same discretionary power, and by the Government of India in the department concerned to the Secretary of State.

236. CIRCULAR No .13A, *dated, May 1st* 1878.

Printed forms should be used for applications for furlough. Should manuscript copies be used in cases of emergency, printed copies are to follow as soon as possible.

237. CIRCULAR No. 20, *dated, June 27th* 1878.

In the discharge of claims against Government payment should be made down to pies.

238. RESOLUTION No. 91B, *dated, July 22nd* 1878.

Rules regarding the accommodation for Pleaders and Mukhtars, and for officers &c. of Municipalities and District Road-Cess Committees in the neighbourhood of cutcheries at moffussil station.

(a) The site of the building, its plan &c., should be approved in the Secretariat P. W. D. before the

question of its construction is entertained.

(b) Before the commencement of the erection of the house, the parties shall have to enter into an agreement binding themselves and their successors to maintain such house in proper repair at all times as may be required by the Superintending Engineer.

(c) In the event of the house not being properly repaired as mentioned above, or of its being devoted without the permission of Government to other purposes, than for which it was originally erected, or of its not being used for six months for its original purpose, such house shall become the property of Government and the parties shall not be entitled to any compensation therefor.

(d) Neither the parties nor their successors &c. shall have any right or interest in the ground on which the house is built, and they shall in addition to the rent provided in para (f), pay all taxes whether leviable on landlord or tenant with the exception of land tax.

(e) The house may be removed at any time on payment by Government of its value as fixed by the Superintending Engineer.

(f) When accommodation is afforded to pleaders &c in any Government building, its rent, as may be fixed by the Superintending Engineer, shall be paid in advance every month to the Executive Engineer.

239. CIRCULAR No. 21A, *dated, September 6th* 1878.

The following Rules are prescribed to regulate the allowances, while out of employ, of an Uncovenanted officer dismissed from office, or suspended from office,

as a penalty for misconduct, or pending inquiry into his alleged misconduct.

I. Saving as provided in Rule III (ii), the salary of an officer who is dismissed, ceases absolutely from the date of his dismissal : no allowances may be granted to him for any period occupied in his prosecution of appeals against the order dismissing him.

II. Saving as provided in Rule III (ii), an officer suspended from office as a penalty for misconduct, is entitled to no salary while he is absent from duty.

III. Subject to the proviso that, without the permission of the Local Government, no expenditure in excess of what would have taken place if the officer had remained on duty, may be incurred—

(i). Subsistence allowance, at a rate not exceeding one quarter of his salary, may be granted by the authority suspending him, to an officer removed from office pending inquiry into his alleged misconduct : Provided that, if the officer is a European, his subsistence allowance should not commonly be less than Rs. 25 a month ; if his salary be less than Rs. 100 a month, the rate may be increased accordingly.

NOTE.—The subsistence allowance is authorized as a matter of grace only, and cannot be claimed as of right.

(ii). If the suspension of an officer as a penalty for misconduct is, upon reconsideration or appeal, held to have been unjustifiable or not wholly justifiable, or if an officer dismissed from office or suspended pending inquiry into his alleged misconduct is after inquiry, or upon reconsideration or appeal, reinstated, then the

revising or appellate authority may grant to the officer, for the period of his absence from duty—

(1). if the officer is honorably acquitted,—full salary.

(2). otherwise,—such portion of his salary as to the revising or appellate authority may seem expedient.

240. CIRCULAR No. 36, *dated, September 9th* 1878.

No officer in the Civil Department shall draw an increased or changed rate of salary without preaudit, or without a letter from the Accountant-General authorizing him to draw it.

241. CIRCULAR No. 54, *dated, December 20th* 1878.

Extends the privilege of retaining punkha-pullers till the 1st November in each year to all gazetted heads of offices who are of European habits of life.

242. CIRCULAR No. 1, *dated, January 7th* 1879.

Information received by Government officers in their official capacity, whether from official sources, or otherwise, which is not from its nature obviously intended to be made public, cannot be treated as if it were at their personal disposal.

243. CIRCULAR No. 2, *dated, January 10th* 1879.

In intestate cases, the Judge, before passing an order for the payment of the sums claimed, should carefully read the police reports, the petitions and the other papers in the record, and compare the statements therein made with the statements made by the witnesses.

244. NOTIFICATION No. 260, *dated, January 17th* 1879.

I. G. PART I, *p.* 62.

Each Local Govt. and each Department of the

Govt. of India may sanction the grant, to an officer deputed to serve on a commission of special enquiry, assembled at a distance from his head-quarters, of deputation allowance equal to one-fifth of his salary, up to a maximum of Rs. 10 a day, for the entire period of his absence from his head-quarters on such duty, in addition to actual travelling expenses.

245. CIRCULAR No. 5, *dated, January 20th* 1879.

Proper precaution should be taken not to appoint men at an advanced age in the public offices.

246. CIRCULAR No. 9, *dated, February 5th* 1879.

Additional rules for the transmission of memorials to Her Majesty's Government.

N. B. See No. 235.

247. LETTER No. 665, *dated, February 8th* 1879.

Articles of clothing and other movable property belonging to house patients, who die intestate shall, after the procedure provided by Reg. V of 1799, has been followed, be sold and the proceeds thereof credited to the Dispensary Funds.

248. CIRCULAR No. 10, *dated, February 12th* 1879.†

District Judges are empowered to appoint from time to time, an officer as special Commissioner for the purpose of administering oaths on affidavits to persons exempted from appearance in Court.

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† Civil Court Ameen should ordinarily be deputed for the purpose of executing the commissions referred to in this circular. (H. C. C. O. No. 39, dated, 22-12-79.)

249. CIRCULAR No 8, *dated, February 15th* 1879.*

Service books should be kept by inferior servants as well as by ministerial officers.

250. CIRCULAR No. 4A, *dated, February 25th* 1879.

Applications for furlough should ordinarily be made at least three months before the date from which an officer wishes his furlough to commence, and in every case, where this course is not followed, an explanation of the circumstances under which the application was delayed, should accompany the application.

251. CIRCULAR No. 5A, *dated, February 26th* 1879.

Officers in superior grades desirous of retiring on attaining the age of 55 years, should not be called upon to submit medical certificates, unless the head of the department entertains a doubt as to their health and efficiency.

252. NOTIFICATION No. 518, *dated, March 6th* 1879.

I. G. PART I, *p.* 142.

Exempts the undermentioned persons from the operations of all prohibitions and directions contained in sections 13, 14, 15 and 16 of "The Indian Arms Act 1878", other than those referring to cannon, articles designed for torpedo service, war-rockets, and machinery for the manufacture of arms and ammunition.

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* The description and term of the leave granted, may be written accross columns 2 and 3 of the service book, the dates of commencement and end of leave in columns 6 and 10; it may be convenient to make these entries in red ink : (Foot note to Rule 13 C. A. Code p. 14).

The service book should be kept in the custody of the head of the office (C. P. Code, Sec. 125 Rule 6). When an employe is transferred, to another office, his service book should be sent to the head of the office to which he is transferred, and not made over to him, nor should it be given to him when proceeding on leave : (Rule 14, C. A. Code, p. 14)

(1.) Postal Officers, Police Officers, Jail Officers, serving the Government;

(2.) All Magistrates, Justices of the Peace, Honorary Magistrates, and Judicial Officers of or above the rank of Munsif;

(3.) All European and East Indian subjects of Her Majesty the Queen-Empress; all Armenians and all Americans and Europeans not British-born subjects of Her Majesty who are temporarily residing or travelling in India;

(4.) All Maharajas, Rajas, Nawabs; all persons bearing a title conferred by the Government of India; all persons who have been granted a sword in public Durbar; all persons who are exempted from personal attendance at Civil Courts;

(5.) All pensioned officers of the Civil Departments who, when employed, were exempt;

(6.) The great Zemindars of Bengal; subject to such orders as the respective Local Governments may issue regarding personages to be included in these categories, or the numbers of retainers in each case;

(7.) [Officers of the Public Works Department of and above the rank of Assistant Engineer. (Notification No. 1676, dated, 12-11-83, I. G. Part I, p. 459).]

N. B.—For other personages, see the original Notification, dated, 6-3-79.

253. Notification No. 53J, *dated, March 7th* 1879. I. G. Part I, *p.* 149.

Decrees of the Civil and Revenue Courts of Cooch

Behar may be executed in British India, as if they had been made by the Courts of British India.

254. CIRCULAR No. 17, *dated, March 12th* 1879.

In any court in the establishment of which no sweeper or farash is included, charges for sweeping or cleaning the court may be drawn in contingent bills, provided that the monthly charge under this head does not exceed Rs. 2 in the case of any court in the divisions of Patna and Bhagulpore and Rs. 3 in the other divisions of Bengal. The charge should be entered in the bill as for "sweeping and cleaning."

255. CIRCULAR No. 18, *dated, March 20th* 1879.

Judicial Officers not stationed at the Presidency are to apply for a medical certificate in the first instance to the Civil Surgeon of the district to which they are attached; those stationed at the Presidency to the Principal of the medical college. But those officers who desire such certificates for extension of leave, should apply, if in the interior, to the Civil Surgeon of the District in which they are living; if at the Presidency, to the Principal of the medical college, or if they are attending a hospital, to the Superintendent of the hospital. Medical officers to whom applications for certificates of this nature are made, should record their remarks on the back of the orders of Government granting the original leave. Such certificate should be granted in the prescribed form.

256. CIRCULAR No. 11A, *dated, March 27th* 1879.. Form of application for furlough.

APPLICATION FOR FURLOUGH.

188

To

THE

SIR,

I have the honor to submit this my application for permission to proceed to

on furlough on*

for under the Furlough Rules of 18 .

I enclose the prescribed medical statement of case, endorsed with the proceedings of the Standing Medical Committee. †

I am aware that it is my duty to report (personally if possible) my arrival at, and departure from, the port, to the Deputy Assistant Adjutant General there, both on proceeding on furlough and on my return.

* Here add "medical certificate," or "private affairs".

† To be omitted in applications for furlough on P. A.

That I must report the date of my departure on furlough, and the name of the vessel in which I embark, direct to the Military Department at Calcutta; and further, that I must take with me to England a copy of the order granting me furlough or leave to proceed in anticipation of furlough, and a last-pay certificate from the Presidency Pay Master.

In accordance with Section 13, para. 144, Bengal Army Regulations, I have intimated to the Controller of Military Accounts my intention to leave the country.

I have the honor to be,

SIR,

Your most obedient Servant,

Forwarded.

N. B.—Officers in charge of cash and stores must attach the certificates required by G. G. O. No. 942, of 1874.

FURLOUGH and LEAVE STATEMENT of

Date of arrival in India

Service at Addiscombe

„ for Lucknow

FURLOUGH AND LEAVE.

NATURE OF	From	To	Years	Days.	Authority, quoting G. G. O or G O. C. C.
FURLOUGH.					
LEAVE.					

3

STATEMENT OF SERVICE.

War Service.

N. B.—In the case of Officers who have not seen service in the field, 'No field service' is to be entered under this heading.

NATURE OF EMPLOYMENT DURING PEACE.

4

PEACE SERVICE—*(continued).*

PARTICULARS OF TRIALS BY COURT MARTIAL OR COURT OF ENQUIRY WHICH HAVE RESULTED UNFAVORABLY TO THE APPLICANT.*

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* An Officer is not required to refer to trials which have resulted in his acquittal, or to Courts of Enquiry which have exonerated him from blame; in all other cases, a brief abstract is to be given.

† Signature of Commanding Officer or Head of Department.

257. NOTIFICATION, *dated, March 31st* 1879.

C. G. PART I, p. 281.

All Magistrates of the 2nd Class, while in charge of Sub-divisions of districts, are empowered to try cases under Act I of 1878 (The Opium Act).

258. CIRCULAR No. 1, *dated, April 2nd* 1879.

The following rules are prescribed regarding the supply of Stationery—

1. That the use of hand-made foolscap be entirely discontinued in all Government offices, the 15 lb. cream-wove (machine-made) writing paper being substituted for it.

2. That no paper of larger size than foolscap be supplied to any office, except the Survey and Registration Departments, save with the special sanction of Government, and that a supply of double foolscap be kept for ordinary use when a size larger than foolscap is required.

3. That machine-made and cream-wove papers of foolscap size as far as possible be substituted for the blue machine-made and cream-wove papers of special makes and sizes in the Government Printing Office.

4. That the use of all papers smaller in size than foolscap, except note paper, be abandoned.

5. That expensive Europe-bound blank books be not supplied to any office without the special sanction of Government.

6. That candles be struck out of the list of articles supplied from the Stationery Office.

259. CIRCULAR No. 23, *dated, April 9th* 1879.

Rules for the maintenance and custody, while under attachment, of live-stock and other movable property above the value of Rs. 20.

I. The attaching officer shall give the debtor, or in his absence, any present adult member of his family, the option of having the attached property kept on his premises, or in some other place in the village, on condition that a suitable place for its safe custody be provided by him.

II. If no such suitable place be provided, the Officer shall remove the property to the Court at the decree-holder's expense. In the event of the decree-holder failing to provide the necessary funds, the attachment shall be withdrawn.

III. Whenever attached property is kept at the place where it is attached, the Officer shall forthwith report the fact to the Court, and shall, with his report, forward an accurate list of the property seized, such that the Court may thereon at once issue the proclamation of sale prescribed by section 287.

IV. If the debtor shall give his consent in writing to the sale of the property without awaiting the expiry of the term prescribed in section 290, the officer shall receive the same and forward it without delay to the Court for its orders.

V. When property is removed to the Court, it shall be kept by the Nazir on his own sole responsibility in such place as may be approved by the Court. If the property cannot, from its nature or bulk, be conveniently kept in the Court premises, or in the personal custody of the Nazir, he may, subject to approval by the Court, make such arrangements for its safe custody under his own supervision as may be most convenient and economical, and the court may fix the remuneration to be allowed to the persons, not being officers of the court, in whose custody the property is kept.

VI. When property remains at the place where it is attached in the custody of the attaching officer, and any person other than the judgment-debtor shall claim the same, or any part of it, the officer shall nevertheless, unless the decree-holder desires to withdraw the attachment of the property so claimed, remain in possession, and shall direct the claimant to prefer his claim to the Court.

VII. If the decree-holder shall withdraw an attachment, or if it shall be withdrawn under Rule II or Rule IX, the attaching officer shall inform the debtor, or in his absence an adult member of his family, that the property is at his disposal.

In the absence of any person to take charge of it, or in case the officer shall have had notice of claim by a person other than the judgment-debtor, the officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

VIII. Whenever live-stock is kept at the place where it has been attached, the judgment-debtor shall be at liberty to undertake the due feeding and tending of it under the supervision of the attaching officer; but the latter shall, if required by the decree-holder, and on his paying for the same at a rate to be fixed by the District Judge, and subject to the orders of the Court under whose orders the attachment is made, engage the services of as many persons as may be necessary for the safe custody of it.

IX. In the event of the judgment-debtor failing to feed attached live-stock, the officer shall call upon the decree-holder either to pay for feeding it on the spot, or for the expenses attending its removal to the Court. If the decree-holder shall fail to provide for either, the officer shall report the matter to the Court without delay.

X. When attached live-stock is brought to Court, the Nazir shall be responsible for the safe custody and proper feeding of it, so long as the attachment continues.

XI. If there be a Government pound in or near the place where the Court is held, the Nazir shall be at liberty to place in it such attached live-stock as can be properly there kept, in which case the pound-keeper will be responsible for the property to the Nazir, and shall receive the same rates for accommodation and maintenance thereof as are paid in respect of impounded cattle of the same description.

XII. If there be no pound available, or if, in the opinion of the Court, it be inconvenient to lodge the attached live-stock in the pound, the Nazir may keep it in his own premises, or he may entrust it to any person selected by himself and approved by the Court. The Nazir will in all cases remain responsible for the custody of the property.

XIII. Each Court shall from time to time fix the rates to be allowed for the custody and maintenance of the various descriptions of live-stock with reference to seasons and local circumstances. The District Judge may make any alteration he deems fit in the rates prescribed by Courts subordinate to him. Where there are two or more Courts in the same place, the rates shall be the same for each Court.

XIV. The Officer deputed to attach movable property should be furnished with a certificate stating the period for which the Court-fee required under Rule I, Article 4, Parts II, III, IV of the Court Fee Rules, has been paid, and he shall give notice thereof to the judgment-debtor or other person at whose instance he remains in possession at the place of attachment, and if such person shall desire that the property shall remain at that place for a longer period, he shall be bound to pay into Court in advance the further fee as required by Rule IV.*

* When the officer, who effects an attachment under Section 269 C. C. P. believes that the property attached does not exceed twenty rupees in value, he shall inform the debtor or, in his absence, any present adult member of his family, that it will be sold by Public Auction at once, without the issue of any proclamation under section 287. If the decree-holder or the judgment-debtor, or any person on

260. NOTIFICATION No. 195, *dated, April 18th* 1879. I. G. PART I, *p.* 307.

Reduces to 1 anna the fee chargeable under the Court Fees Act on every application for the return of exhibits filed with petitions presented to a Collector in accordance with the provisions of sections 17 and 19 of the Bengal License Act, 1878.

261. CIRCULAR No. 28, *dated, May 2nd* 1879.

Communications on matters connected with any Bill before the Council may be addressed either in the form of a petition to the Governor-General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily such communications will not be answered.

Except in the case of the High Court at Fort William, such communications from courts, officials, or public bodies shall ordinarily be sent through the Local Government.

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his behalf objects to the adoption of the course, the attaching officer shall convoke a punchayet of not less than three respectable adult male inhabitants of the neighbourhood, of whom ordinarily the head man of the village should be one, and shall require them to assess the value of the property. If they determine that it exceeds Rs. 20 in value, he shall deal with it under the rules, referred to in Circular No. 23, dated, 9-4-79. Otherwise he shall forthwith proceed to sell it by auction, after giving to intending purchasers such reasonable notice as is possible under the circumstances of the case.

(b). At the time of making an application under section 230 C. C. P. for the attachment of the movable property in the possession of the judgment-debtor, the decree-holder shall pay into Court the costs of issuing the proclamation of sale under section 287 of the same Code, unless the value of the property, is to be attached alleged by him not to exceed rupees twenty in value. In this case, if the value of the property as determined by the above rule is found to exceed rupees twenty, the Court shall require the decree-holder to pay the costs of the proclamation immediately on receipt of the notice of attachment, (H. C. C. O. No. 19, dated, 28-4-79)

262. India Government General Order No. 911, *dated, June 6th* 1879.

The allowance for spoiled stamps under section 51 of the Indian Stamp Act refers to impressed paper and labels to the exclusion of adhesive Stamps. Sections 52 and 54 apply to all kinds of stamps used under the Act, but great caution should be used in refunding the value of adhesive labels.

263. Notification No. 996, *dated, June 6th* 1879. I. G. Part I, *p.* 403.

When a single sheet of impressed stamp paper is found insufficient to enable the entire instrument, (the duty of which does not exceed Rs 500) to be written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument; provided that in every such case the side of the impressed stamp paper which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to the impressed stamp paper. This permission does not extend to Hundis.

264. Notification No. 1083, *dated, June 6th* 1879. I. G. Part I, *p.* 403.

Bills of Exchange and Cheques drawn in Mysore on which the full rate of stamp duty has been paid there, and presented for payment or otherwise negotiated in British India are exempted from payment of stamp duty.

265. NOTIFICATION No. 1191, *dated, June 13th* 1879.
I. G. PART I, *p.* 411.

Remits the Stamp Duty chargeable on Bills of Exchange and Cheques drawn in the Hyderabad Assigned Districts, on which the full rate of stamp duty has been paid there, and presented for payment or otherwise negotiated in British India.

266. NOTIFICATION, *dated, June 17th* 1879.
C G. PART I, *p.* 591.

All Deputy Collectors in charge of Sub-Divisions, and the senior Deputy Collector at the sadar stations of districts, are vested with the powers of a Collector for the purpose of denoting upon one instrument, by endorsement, the payment of duty in respect of another instrument, as provided for in Sec. 15 of the Stamp Act. The Rural Sub-registrars are also authorised, to exercise similar powers in respect of instrument, presented to them for registration.

267. NOTIFICATION No. 1299, *dated, June 20th* 1879.
I. G. PART I, *p* 424.

Bills of Exchange and Cheques drawn in the cantonment of Secundrabad on which the full rate of stamp duty has been paid there, and presented for payment or otherwise negotiated in British India are exempted from payment of stamp duty.

268. CIRCULAR No. 38, *dated, July 7th* 1879.

No expenditure should be incurred from Public Funds without previous sanction of Government, on

account of the defence of any Government servant. If officers of Government wish to employ private legal practitioners for their defence, they must do so at their own cost, and Government will not afterwards refund the expenses incurred.

269. Resolution No. 1818, *dated, July 29th* 1879.

The rent of any land or building occupied for public purposes should be paid by the public office or department occupying it, and be recorded in the public accounts as a charge of that office or department.

270. Notification, *dated, August 2nd* 1879.
C. G. Part I, *p.* 809.

Whenever a judgment-debtor is arrested in execution of a decree for money and brought before the Court under section 336 C.C.P., the court shall inform him that he may apply, under Chapter XX, to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of his application, and if he places all his property in possession of a receiver appointed by the court.

271. Circular No. 21, *dated, August 12th* 1879.*

When a Government servant is dismissed or removed, the charge against him should be reduced to writing, his defence should either be taken in, or redu-

* N. B.—This procedure should be followed in all cases of punishment of Government servants in the receipt of higher salaries than 10 Rs. a month. (Board, rule 9 A, Sec. IV, Chap. II).

ced to, writing, and the decision thereon should also be in writing. In the cases of public servants who are dismissed in consequence of facts or inferences elicited at a judicial trial, or in the cases of persons who abscond with an accusation over their heads, the above procedure would be unnecessary or impossible.

272. CIRCULAR No. 43, *dated, August 14th* 1879.

When a prosecution is instituted by a Judge or Magistrate, the officer charged should be allowed to defend himself, and Govt. will defray the cost in the event of his complete acquittal. In other cases the Head of the Department should decide, in communication with the local officers, whether the case is such that the accused should be defended by Govt; and, if so, the Govt. pleader should be instructed accordingly. When there is reason to believe that the officer is guilty, he should not be defended by Govt; but when the head of the Department and the local officers agree that he is being wrongly prosecuted by a private individual through revenge or malice, it would be unjust to leave the officer to defend himself.

273. CIRCULAR No. 50, *dated, August 26th* 1879.

All ministerial officers in Judicial and Revenue offices are to submit every year to the head of their office, a statement in the following form showing the immovable property held by them (including shares in any partnership or company doing business as a land mortgage bank).

274. CIRCULAR No. 25A, *dated, August 29th* 1879.

The status of an officer holding an appointment substantively *protempore* shall be that of an acting officer, excepting only that he shall be entitled to the full pay of the appointment, and unless he has a lien on a permanent appointment, he cannot count his service towards leave and pension.

275. CIRCULAR No. 54, *dated, September 10th* 1879.*

An officer having official library under his charge will make over the care of the books to a particular clerk who will keep a list of the books and will be responsible to the head of the office for their good order and preservation. Govt. officers shall not be allowed to take away the books but they can consult them at any time.

Whenever such officer makes over charge of his office, to another officer, the contents of the library must be made over very carefully and the receipts must be forwarded to the Commissioner; any discrepancy found at the time of making over charge must be made good by the officer who makes over the charge.

276. CIRCULAR No. 60, *dated, September 21st* 1879.

The rules for reporting, transmitting, and disposing of intestate movable property.

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* The Head Clerk should be librarian A catalogue should be made. Books should be labelled with their numbers in the catalogue and marked with the office stamp. Receipts should be taken when books are required out of the library by any officer other than the Judge or Magistrate. (H. C. C. O. No. 20, dated, 26-7-55 and No. 36, dated, 30-9-78.)

The preceeding rules are applicable to subordinate Courts. Relieving officer should report the defect or damage of books to the Judge. (H. C. C. O. No. 3, dated, 25-1-56.)

(a) [In all cases in which intestate movable property is taken possession of by the Police, the Police officer shall submit a report to the District Magistrate or to the Magistrate of the Division in the prescribed Form (I). All such cases should be reported in that form unless a claimant has appeared to claim the property by reason of such relationship as *prima-facie* constitutes heirship-at-law to the deceased, and unless the fact of such a relationship is undoubted. (Circular No. 28, dated, 9th June 1880)].

(b) The report in Form (I), when received by the Magistrate, should be forwarded with a memorandum to the District Court.

(c) On receipt of that report, the District Judge will order either to sell the property on the spot and to remit the money, or to send the property itself to the Court.

(d) When the Police sell the perishable property in anticipation of order, or under orders of the Judge they should send triplicate accounts of the sale in the prescribed Form (II) to the Magistrate who will send one copy to the District Treasurer and two to the District Judge. Of the latter, one is to be returned with the Judge's signature to the police station where it was originally prepared.

(e) When the District Judge directs the property to be sent to the court, the Police will prepare a challan in the prescribed Form (III) in triplicate and send it to the Magistrate to be dealt with as in Rule (d).

(f) All money and valuables sent to the Judge should be remitted to the Treasury as soon as they reach the court and in the event of the Treasurer not receiving them within due time, he shall immediately report the matter to the Judge by a note at the foot of the daily advice list.

(g) Cattle, horses &c. should not be sold by the Police without the Judge's order; they should be placed in the nearest pound and the Judge should pass orders, as soon as he receives the report; the animal should, when it is ordered to be sold, be disposed of, if possible, at a public market.

(h) The cost of keep in cases referred to in Rule (g) will be deducted from the sale proceeds and paid to the pound-keeper, and only the net proceeds will be remmitted to the Judge, as provided in Form (II). Similarly, the cost of transport of such intestate movable property as is sent up to the District Court should be entered in the Challan, forwarding the property (Form III). This cost should be paid at once from the amount to credit on account of property sold. In cases in which a claim to the property is afterwards judicially allowed the successful claimant will generally be required to satisfy the charge for transport, or for keep of animal before receiving the property or its proceeds.*

* Intestate cash received in Court must be paid into the Treasury at once. On receipt of intestate property requisite entries must be made in the prescribed register by the Nazir. These entries must be compared with Police chalan by Sarrishtadar and Accountant. Cash or sale proceeds must be put in deposit till the time arrives for paying them over to claimants or crediting them to Government Sale account should be checked with the register by Sarrishtadar and Accountant. (H. C. C. O. No. 11, dated, 6-3-78.)

Instructions regarding the di-posal of intestate property of military men. (See H. C. Cri., C. O. No. 57, dated, 25-4-51.)

277. CIRCULAR No. 27, *dated, October 2nd* 1879.

The use of the telegraph should be confined to cases of a really urgent nature. Telegrams connected with the interests or convenience of individual officers, should not be sent on the public service, unless it is known without doubt that the interests of the public service require that they should be so sent.

278. CIRCULAR No. 28, *dated, October 3rd* 1879.

Every officer who has been in charge of a district for more than a year shall, on quitting it, record a carefully-drawn and exhaustive memorandum on all points of importance for the information of his successor.

The memorandum, besides dealing with all important pending questions, might embrace the following subjects: the working of the police; the portions of the district notorious for any special crime; the villages or tracts in which bad characters are most numerous, or in which gangs of dacoits are believed to exist; the character and organization of the rural police and the village watch; the incidents of the land revenue; the system of tenures; the indebtedness of land-owners, their relations with their ryots and among themselves, and their attitude towards the authorities; the requirements of the district in respect

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In cases where personal property under attachment of the civil courts is claimed by persons alleging themselves to be heirs of the deceased intestate persons, the Collecto should be represented before the Judge by the Government Pleader, where the interests of Government require such cases to be watched.

When real property is left without a claimant, it does not appear that the intervention of the Civil Courts is in any way necessary, or can be by any law, invoked. (Boards rules 3 & 4 sec. vii chap ix)

of communications, the schemes which have been considered for meeting them, and the probability of early completion; any special industry and its prospects; data concerning wards', attached, or Government estates; any points of importance regarding stamps, excise, and other departments of miscellaneous revenue, or regarding registration and education; municipalities and the working of municipal and district committees; special liability of any tract to inundation or to drought; embankments and irrigation; pressure of population in different portions of the district; the distribution of crops; the import and export trade of the district.

279. CIRCULAR No. 4, *dated, October 15th* 1879.

Judges are authorised to sanction the purchase of candles when required for any of the offices subordinate to them and to debit the cost to the contingent allowance of each.

280. CIRCULAR No. 31, *dated, November 7th* 1879.

Applications for Gazettes; for Pension, Leave and Acting Allowance Codes and Quarterly Civil Lists; for Acts of the Indian and Bengal Legislative Councils; for Indian Law Reports; and for Civil Account Codes are to be made to the Financial Department, to the Appointment Department, to the Legislative Department, to the Judicial Department and to the Accountant-General respectively. Bengal Educational and Administration Reports are supplied from the Government Library.

281. CIRCULAR No. 44, *dated, November 17th* 1879.

The orders of 29th July 1879 (No. 269) refers only to rents paid to private persons, and are not intended to authorize or require the payment of rent by one department of the state to another. As a rule, such payments are wholly inadmissible.

282. CIRCULAR No. 46, *dated, November 18th* 1879.

Local Governments and Administrations are authorised to grant allowances for the provision of office accommodation at their discretion upon the following conditions and restrictions.

I. If separate accommodation is provided, the allowance shall not exceed the actual rent paid for such accommodation.

II. If the officer provides accommodation for the office in his own house, the allowance shall not exceed half the rent paid by the officer if he rents the house, or half the proper rent of the house if it is his own property.

III. The allowance shall not exceed—

(i) any general or special departmental limit which is or may be prescribed by authority ; or

(ii) what is ascertained in the Public Works Department to be a proper proportion of the rent of the house, jointly occupied, with reference—

(1) to the share of the accommodation occupied ;

(2) to the injury to the house as a private residence from its partial occupation as a public office.

IV.—Except in the Forest Department, all grants for office accommodation, being in substitution for charges which must otherwise fall upon Provincial revenues, shall be recorded as office rent and charged to the Provincial Government.

283. NOTIFICATION, *dated, November 20th* 1879.
C. G. PART I, *p.* 1155.

All officers holding temporary charge of Sub-Registry offices at Sub-Divisions, during the absence of the Sub-divisional Officers, are vested with the powers of a Collector, for the purpose of denoting upon one instrument, by endorsement, the payment of duty in respect of another instrument, as provided for in Section 15 of the Indian Stamp Act.

284. NOTIFICATION No. 3967, *dated, November 22nd* 1879.
I. G. PART I, *p.* 747.*

Certain orders issued by the Civil Courts under Sec. 244, C. C. P., have been declared to be "decrees" by Sec. 2 of Act XII of 1879.

The Court-fee payable on appeals from such orders issued under Sec. 244, C. C. P., shall be limited to the amounts chargeable under Art. 11, Sch. II of the *Court Fees Act.*

285. CIRCULAR No. 47, *dated, December 24th* 1879.

Every officer who is responsible for accounts should devote a certain time daily to their prompt and careful examination and despatch, so as to prevent

* This notification does not apply to appeals from orders rejecting plaints, or to appeals in certain miscellaneous cases, such as certificate and probate cases. (H. C. C. O. No. 6, dated, 10th January 1880.)

arrears and to insure intelligent working on the part of the subordinates.

*286. Circular No. 5A, *dated, January 30th* 1880.

Rules regarding grant of advances to officers in civil employ.

(a) An advance of pay for the month in which the officer arrives in India, and for the ensuing month up to Rs. 1,000, may be made to any officer in the Civil Department on arrival in India on first appointment, or on return from leave, or special duty out of India.

(b) The advance may be drawn under the orders of the Accountant-General from any Treasury in India to be specified in such orders.

(c) Such advances as well as similar advances issued by the Home Government are to be recovered by monthly instalments of one-third of salary.

287. Circular No. 5, *dated, January 31st* 1880.

Gives a list of abbreviated addresses to be used in State Telegrams.

288. Notification No. 1174, *dated, March 13th* 1880. I. G. Part I, *p.* 198.

Receipts given by Mounted Police Constables, an account of their pay and allowances are exempted from payment of stamp duty.

289. Circular No. 11, *dated, March 22nd* 1880.

Allotments for contract contingent expenditure in Civil Courts are to be controlled by District Judges.

* Such advances should be advised upon the officer's last pay certificate. (Rule 11, Cl. 5, Acct. Code p. 30.)

290. CIRCULAR No. 16, *dated, March 25th* 1880.

Revised draft rules and instructions for Benches of Magistrates.

1. The Bench shall try such cases as its powers enable it to try, and it is authorized to try, arising within the local limits following, or such particular cases as are made over to it by the Magistrate of the district or any Magistrate empowered to make over cases. It can only entertain of its own motion such complaints as the Magistrate of the district may authorize it to entertain both in respect of local limit and classes of cases.

[Here enter Local Limits.]

The Magistrate of the district may nominate any single member or members of a Bench, or any salaried Magistrate, to receive complaints of cases triable by the Bench, and which the Magistrates nominated are themselves empowered to try or commit for trial. In the event of the complaint not being revised by the Bench itself, the District or Sub-divisional Magistrate may transfer the case to the Bench, and issue the necessary processes for bringing the accused and the witnesses before the Bench at its regular sittings.

2. The Bench shall sit at the place and on the dates mentioned below. The Honorary Magistrates will sit in the rotation arranged by the Magistrate of the district or division, but any Magistrate not named may sit, provided he is not personally interested in the case before the Bench.

[Here enter place and ordinary dates of sitting.]

3. The Bench may hold one or more adjourned sittings if this be found necessary for the disposal of business or of part-heard cases; but it shall be open to the Bench at the close of its regular sitting either to apply to the District or Sub-divisional Magistrate to transfer from their file any unheard cases, or to postpone them to next Bench day, as may seem most convenient.

4. The Chairman of the Bench for the time being shall be the Magistrate of highest powers present at a sitting. Where two or more are of equal powers, the Bench may elect its own Chairman, provided always that it shall be in the discretion of the Magistrate of the district to appoint the chairman for each time of sitting, or generally.

5. The Chairman shall maintain order, conduct the Proceedings of the Court and exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. It shall be open to any member of the Bench to put any question to the witnesses, either direct or through the Chairman as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

6. Each member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and sentence. In a Bench of three or other uneven number of members the opinion of the majority shall prevail. When the numbers are even, the Chairman shall have a casting vote.

7. In the trial of ordinary cases, the Chairman shall generally record the evidence and judgment, but such duty may, with his consent, be performed by any one of his colleagues.

In the trial of summary cases, where the Bench has been invested with summary powers, the necessary record shall be prepared by the Chairman, or one of his colleagues, or by means of the clerk of the Court, but in every case, the record must be signed by each member of the Bench who is present.

8. Any part-heard case postponed to a further sitting of the Bench, may be proceeded with if any member of the Bench has been present at the previous hearing in the case, but subject to the Provisions of Section 328 of the Code (now Section 350).

9. The Bench may refer any point of law for the opinion of the Magistrate of the district or division, or of any First-Class Magistrate appointed by the Magistrate of the district for that purpose, and the Magistrate may certify his opinion thereon.

10. When any person is convicted in an appealable case by the casting vote of the Chairman, the Chairman shall then and there ask him if he wishes to appeal, and if he desires to do so, shall forthwith record his appeal in brief, and forward the case to the Magistrate, intimating to the person convicted that he may file any grounds of appeal he pleases.

291. NOTIFICATION No. 1410, *dated, March 27th* 1880.

I. G. PART I. *p.* 223.

Receipts given by the addressee for deposits ex-

ceeding Rs. 20, made for the payment of replies to telegraphic messages are exempted from payment of stamp duty.

292. NOTIFICATION No. 1431, *dated, March 27th* 1880. I. G. PART I, *p.* 223.

Remits the fees, chargeable under the Court Fees Act on security bond for keeping of the peace by, or good behaviour of persons other than the executants.

293. CIRCULAR No. 15, *dated, March 27th* 1880.

Applications for extra budget grants should be submitted to Government through the Accountant-General in the form prescribed.

Application for an extra Budget Grant in the office of for the year 188 —188 .

1	2	3	4	5	REMARKS BY— 6	7	8
Budget head.	Assignment under the head for the year.	Additional grant now required.	Financial year in which the amount has been or is to be actually paid.	Explanation of cause of additional requirement.	Commissioner.	Board, or other Head of Department.	Accountant-General.

Dated, the 188 .

294. CIRCULAR No. 18, *dated, March 31st* 1880.

No Government Officer is to be permitted to serve under a Zemindar, even while he is on leave, unless the sanction of Government has been previously obtained.

295. CIRCULAR No. 20, *dated, April 6th* 1880.

Whenever any European dies leaving assets the Collector should report the fact to the Judge stating the amount and nature of the assets, so far as they may be known.

296. CIRCULAR No. 22, *dated, April 12th* 1880.*

Stamps should be examined and punched immediately, upon receipt of the documents and before they are filed.

297. NOTIFICATION, *dated, May 4th* 1880.
C. G. PART I, *p.* 336.

The Hindusthani papers at the Departmental Examinations of Assistant Magistrates, Deputy Magistrates, Assistant Superintendents of Police, and other officers liable to these examinations, will be in the Kaithi character for candidates stationed in the districts of the Patna division, [of the Bhagulpur division except Maldaha and the Santhal Perganas, and of Chota-nagpur division with the exception of Pergana Dholbhoom. (Notification, dated, July 10th 1880, C. G. Part I, p. 594.)]

* Copy of the Judgment in cases in which any document is found to be fraudulently stamped should be given to the Government pleader for prosecution of the parties concerned (H. C. C. O. No. 5, dated, 25-3-76.)

Unstamped or insufficiently stamped instruments executed before the present Stamp Act, 1879, came into force, should be dealt with according to the provisions of this Act (I of 1879) H. C. G. L. No. 14, dated 30-9-80.

Whenever the genuineness of a stamp is doubted, it should be forwarded to the Collector for examination and for reporting the result thereof. An examined copy of any document bearing a stamp which may be forwarded to the Collector should be retained. (H. C. C. O. No. 8, dated, 14-1-80.)

298. RESOLUTION No. 444, *dated, May 8th* 1880.
I. G. PART I, *p.* 263.

Remits the duty payable under the Stamp Act on all instruments in the nature of a Memorandum or Agreement furnished to, or made or entered into with, Executive Commissariat Officers by Contractors; and also on all Declarations or Agreements by which a tender made to an Executive Commissariat Officer is accepted as a Contract, when the deposit of such Contractor as security for his contract is made in Government of India Loan Notes, or in cash.

299. CIRCULAR No. 2, *dated, May 8th* 1880.

Communications regarding changes of jurisdiction and boundaries, and the preparation and supply of maps, village lists, &c., are to be addressed to the Secretary to the Government of Bengal in the Revenue Department.

300. CIRCULAR No. 21, *dated, May 14th* 1880.

An order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officers whose services are to be dispensed with on such abolition.

301. CIRCULAR No. 22, *dated, May 20th* 1880.

Government does not guarantee its officers against every loss which they may suffer while in its service. A public officer is not entitled to compensation for loss of property caused by an accident merely because such accident may have happened to him while he was employed in the service of the State.

302. NOTIFICATION No. 731, *dated, May 22nd* 1880.
I. G. PART I, *p.* 281.

Remits the stamp duties payable on receipts endorsed by the payee on Postal Money Orders.

303. CIRCULAR No. 29, *dated, June 10th* 1880.

When the value of the property left by a European British subject who dies intestate is less than 1,000 Rs., the District Judge may give an order for the sale of such property after a reasonable time has elapsed. The proceeds of sale should be remitted to the Judge who should place them in the Treasury.

304. NOTIFICATION No. 1379, *dated, June 26th* 1880.
I. G. PART I, *p.* 335.

Reduces the stamp duty with which an instrument of gift of shares in a company or association is chargeable under the Stamp Act to the duty prescribed in Art 60 (*a*), Sch. I. of the Act for a transfer of such shares for a consideration equal to their value, as set forth in such instrument of gift.

305. NOTIFICATION No. 2329, *dated, August 14th* 1880.
I. G. PART I, *p.* 400.

Exempts from stamp duty agreements with Railway Companies or Administrations for the conveyance of goods and receipts, given by such Companies or Administrations for fares for conveyance of passengers or goods, or both, or animals.

306. CIRCULAR No. 44, *dated, August 31st* 1880.
C. G. SUP. *p.* 915.

The Police investigation.—In most Sessions Cases, but especially in those of murder, riot, and dacoity, the mode in which the enquiry is conducted during the first few days is of vital importance. All the experience of the Magistrate and the detective ability of the Superintendent of Police should be brought to bear on these initial proceedings. The District Superintendent should personally watch the progress of the police investigation in every important case, and whether he remains at his head-quarters, or proceeds to the spot where the enquiry is being held, he must be considered equally responsible for directing and superintending the investigation. In cases of great importance, the District Magistrate himself should watch the course of the Police enquiry from the beginning, and should assist the District Superintendent by his advice and experience in supervising and directing the action of the Subordinate Police.

Assistant Magistrates stationed at the head-quarters of the district who have not yet passed their examinations might, very advantageously be employed for a portion of the day in the District Superintendent's office.

The Magisterial enquiry.—The preliminary enquiry should be conducted by an officer of experience and ability, who will be able, as far as possible, to provide, by the completeness of his enquiry, against

the disadvantages that necessarily arise from the forgetfulness of witnesses and the opportunities that exist for tampering with them during the interval. Whenever it is possible, the preliminary enquiry in heinous cases should be held by the Joint-Magistrate at head-quarters, or the Sub-Divisional Officer himself.

It is the duty of the officer who conducts the preliminary enquiry to make the case as complete as he is able to make it, and not to content himself with a *prima facie* case, sufficient to justify a committal. The truth of every confession and deposition made before him should be carefully tested, and when the evidence is incomplete, or there are doubtful points that require to be cleared up, he should assist the Police by suggestions, and should not hesitate to direct a further enquiry before closing the case.

The Sessions trial.—When the reasons for commitment are not fully and clearly stated by the Committing Magistrate, the Magistrate of the district or sub-division should have a special memorandum drawn up for the guidance of the Government pleader, and this memorandum, together with the special reports, and special diaries and copies of the depositions and the statement of the reasons for commitment, should be made over to the pleader at least 7 days before the day appointed for the trial, and should be returned at the close of the trial with such remarks as the prosecuting officer may wish to offer. The record should also be forwarded to the Judge at least 7 days before the day fixed for the hearing of the case.

307. LETTER No. 2837, *dated, September 16th* 1880.

Prescribes rules for the custody, distribution, and sale of postage stamp labels, &c.

308. CIRCULAR No. 52, *dated, September 18th* 1880.*

Circular regarding the revision of ministerial establishments of Civil Courts.

309. CIRCULAR No. 5T, *dated, September 24th* 1880.

Clocks for the use of offices in moffussil should not be purchased unless they have been entered in the Budget, or specially sanctioned by Government. If provision is made in the Budget, the clocks to be purchased must not cost more than Rs. 25 each.

310. CIRCULAR No. 53, *dated, October 5th* 1880.

Mat screens and partitions are not to be erected in verandahs of Court houses.

311. NOTIFICATION No. 3715, *dated, November 13th* 1880.

I. G. PART I, *p.* 653.

Exempts from stamp duty, all agreements with Railway Companies or Administrations, which purport to limit the obligations or responsibilities of such Railway Companies or Administrations, as carriers under the Indian Contract Act, 1872, Secs. 151 and 161, and are in a form approved by the Governor-

* Ministerial officers are not to be employed on lower salaries than those sanctioned for the office to which they are appointed, (Board's rule 7, sec, IV, Chap. II.)

General in Council, under Sec. 10 of the Indian Rail-Railway Act, 1879.

312. CIRCULAR No. 54, *dated, December 8th* 1880.

Careful attention should be given to the rules in the Civil Pension Code about the preparation and submission of the pension papers; and applications for pension should be disposed of speedily.

313. LETTER No. 5292, *dated, December 21st* 1880.

Judges' Nazirs appointed before the 18th September 1880, will continue to draw their increments annually, but those appointed after that date biennially.

314. CIRCULAR No. 3 J, *dated, January 6th* 1881.

All Civil Officers, who have public buildings in their charge should inspect them, and see that they are kept clean, that all doors &c. are washed periodically, that the furniture is kept clean and in good order, and that any white-washing and petty repairs required are promptly executed without waiting for the quadrennial repairs.

315. CIRCULAR No. 20, *dated, January 6th* 1881.

Applications for Cowell's Law Reports and Indian Appeals should be addressed directly to the Judicial Department of Government.

316. RESOLUTION No. 125, *dated, January 14th* 1881.

Local Government is authorized to allow refunds or renewals of spoiled or useless stamps, or the repur-

chase of stamps not required, provided that application for renewal or refund be made within one year from the date of the purchase of the stamps, or one year from the date on which the stamp has been spoiled or rendered useless. Officers in charge of treasuries must refer to the Collector for separate orders on every application.

317. CIRCULAR No. 5 J, *dated, January 25th* 1881.

Ministerial Officers of Civil Courts should draw their pay at the rate they were drawing previous to the issue of Government Circular No. 52, dated, 18th September 1880. Those newly appointed or transferred from appointments of which the pay is not above the minimum of the appointments to which they are transferred, will enter their new appointments on the minimum salary.

318. CIRCULAR No. 8, *dated, February 7th* 1881.

Rules about the submission of applications for additions to, or alterations in, ministerial establishments :—

(a)—The letter of application shall be submitted direct to the Secretary to Govt. in the Department which has to deal with the case.

(b)—The tabular statement (prescribed by Circular No 28, dated 14-11-74) shall be submitted direct to the Accountant-General.

(c)—The last paragraph of each letter of application shall state that the tabular statement has been

forwarded to the Accountant-General's office, for verification of the present scale of establishment.

(d)—On each tabular statement there shall be an endorsement to the following effect :—

Forwarded to the Accountant-General for verification of the present scale and for submission to Government. The letter of application No. , dated the has been submitted to the Secretary to the Government of Bengal, in the Department.

319. CIRCULAR No. 7, *dated, February 9th* 1881.

Whenever it is considered desirable to make use of Vernacular terms in reports or in official correspondence, their English equivalents should also be given.

320. CIRCULAR No. 8 J., *dated, February 10th* 1881.

English copies of Acts and Bills and important Circulars should be circulated to all English knowing Munsifs.

321. CIRCULAR No. 11 J, *dated, March 1st* 1881.

Authorizes all Commissioners and Judges to sanction the purchase of clocks for office use at a cost not exceeding Rs. 25 each, provided that the charge be met from the Contingent allowance.

322. NOTIFICATION No. 1163, *dated, March 12th* 1881.

I. G. PART I, *p.* 87.

Exempts from stamp duty receipts, given for payment of interest on Government Promissory Notes.

323. RESOLUTION No. 2A, *dated, March 18th* 1881.

An officer who is not lower in rank than the principal district officer in the department concerned, may grant to an officer under orders of transfer, an advance not exceeding his one month's pay, and also not exceeding the amount of expenditure which he is likely to incur by reason of his transfer. Such an advance should be notified upon the officer's last pay certificate, and recovered from his salary in three equal instalments.

324. NOTIFICATION No. 17J., *dated, April 1st* 1881.

Applications for probate and letters of administration may be received by the High Court, all District Judges, and such Judicial Officers as are appointed District delegates.

325. CIRCULAR No. 19J, *dated, April 12th* 1881.

There should be only one copying establishment in each district for all the Civil Courts at the Sudder Station, the establishment should be attached to the District Judge's Court and be placed under a comparing clerk.

326. CIRCULAR No. 20J, *dated, April 12th* 1881.

The travelling expenses of Police Officers attending Criminal Courts as witnesses or prosecutors, will be paid by such Courts under Section 421, Act X of 1872 (now Section 544). In these cases the expenses will be calculated not from the boundary, but from the Head Quarters of the jurisdiction of the Police Officers concerned, except when the presiding officer of the Court may see reason to rule otherwise.

327. CIRCULAR No. 21J. *dated, April 14th* 1881.

If an officer is transferred to a progressive appointment from an office on fixed pay, the amount of which exceeds the minimum of the progressive appointment, he may begin his service in the progressive appointment upon his former pay; further increments in his pay being calculated as if he had been transferred to the progressive appointment on its minimum pay.

328. NOTIFICATION No. 67, *dated, April 16th* 1881.†

I. G. PART 1, *p.* 165.

Authorizes the payment to the heirs of a deceased officer of the salary due to him to the extent of Rs. 200 in each case, after such inquiry into the rights and title of the claimants as the Collector or other officer responsible for the payment may deem sufficient. Any excess over that amount should be paid only to the person duly authorised to receive assets belonging to the state of the deceased.

329. CIRCULAR No. 22J, *dated, April 20th* 1881.

Prescribes a form of report to be submitted to Government by District Judges, regarding intestate property lying unclaimed in their hands for 12 months from the date of the issue of proclamation.

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* Salaries may be paid only upon the personal claim of the officer concerned, and to his personal receipt, and not otherwise, except under the special authority in each case of the Government of India or the Comptroller General. (Rule 3, C. A. Code, p. 8.)

List of unclaimed intestate property under the seal of the Judge's Court of *for which usual notice has been served but no one has appeared with in the prescribed time.*

Name of deceased.	Date of proclamation.	Property.	Estimated value.			Total.			Remarks.
			Rs.	As.	P.	Rs.	As.	P.	

330. RESOLUTION No. 32, *dated, April 23rd* 1881.

Public servants may not be appointed to act as Government Directors in any concern in which they are interested.

331 NOTIFICATION, *dated, April 25th* 1881.

C. G. PART I, *p.* 462.

The following rules are prescribed for regulating the supply and sale of stamps and stamped papers.

I. According to the rules made by the Governor-General in Council, under Sections 9, 15, 17, 32, 51 and 56 of the Act, there are two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, namely :—

Impressed stamps, including—

(a)—*Impressed sheets*, that is to say, sheets of paper bearing the impression of stamps of different values engraved thereon, and sold to the public for use by them in accordance with the above rules.

Impressed labels, to be affixed and impressed by Government officers, as directed in Chapter III of the rules of the Government of India above referred to.

(b)—*Adhesive stamps*, sold to the public for use by them in accordance with the above rules.

The Collector of Calcutta shall obtain from the Superintendent of stamps, Calcutta, and keep in his store a supply of the impressed labels, and shall, upon

receipt of any instruments mentioned in Chapter III of the rules made by the Governor-General in Council referred to above, affix thereto, in the manner directed in those rules, an impressed label or labels of such value as may be required. The Superintendent of stamps shall also keep a supply of the two other descriptions of stamps, *viz. impressed sheets* and *adhesive stamps;* and shall issue them on indent to the Collectors of Districts, Deputy Commissioners, and such other District Officers as may be authorized by the Board to indent directly on the stamp office for stamps. The Collector, Deputy Commissioner, or such other officer as aforesaid, shall keep the stamps in such manner, and under such rules, as the Board may direct, and shall issue them to the treasurer or stamp darogah at the head-quarters of each district, to Sub-divisional Nazirs, or to any of their subordinates entrusted with the custody and sale of stamps on behalf of Government, and the stamps shall be sold to the public through *ex-officio* or licensed vendors, in the manner hereinafter prescribed.

II.—The treasurer or stamp darogah at the head-quarters of a district, the Sub-divisional Nazir, or any other subordinate officer entrusted with the custody and sale of stamps on behalf of Government, as mentioned in rule I, shall be *ex-officio* vendors, and shall sell on behalf of Government impressed sheets, hoondi stamps, and adhesive stamps to licensed vendors, and to the public on application.

III.—Such persons as may be licensed by the Collectors or Deputy Commissioners shall be licensed vendors, and shall sell to the public such stamps as are indicated in their licenses.

IV.—Every license shall specify the name of licensee, the description of stamps which may be sold under the license, the place of vend, and such other matters as may be necessary, and shall be signed by the authority granting it. The license shall be revocable at any time by the authority who grants it.

V.—Subject to Rule VII, every licensed vendor who purchases from Government, by payment of ready money, impressed sheets, hoondi stamps, and adhesive stamps, shall receive the same at a discount at the following rates :—

	Adhesive Stamps.			Impressed sheet and Hoondi Stamps.	
	Stamps not exceeding in value 8 annas each.	Stamps exceeding in value 8 annas each but not exceeding in value Rs. 5 each.	Stamps exceeding in value Rs. 5 each but not exceeding in value Rs. 50 each.		
	Per cent.	Per cent.	Per cent.		Per cent.
Calcutta-Howrah (Sudder Station), 24 Pergunnahs, (Sudder Station), Bardwan (Sudder Station), Hooghly (Sudder Station)	$3\frac{1}{8}$-two pice in the rupee.	$1\frac{9}{16}$-one pice in the rupee.	$1\frac{9}{16}$-one pice in the rupee.	At all places.	$3\frac{1}{8}$-two pice in the rupee.
All other places	$4\frac{11}{16}$-three pice in the rupee.	$3\frac{1}{8}$-two pice in the rupee.	$1\frac{9}{16}$-one pice in the rupee.	...	...

VI.—No discount shall be given on account of the purchase of any stamp exceeding Rs. 50 in value, nor on any stamp applied on material furnished by the purchaser himself. Discount shall not be allowed if the total value of the quantity of stamps purchased at one time does not amount to Rs. 25 or upwards.

VII.—Licensed vendors alone are allowed discount on the purchase of stamps. No. *ex-officio* vendor is allowed to purchase stamps at a discount for sale on his own account to the public.

VIII.—No licensed vendor shall be supplied with stamps on credit without the special sanction of Government.

IX.—Every licensed vendor shall at all times have stuck up, in a conspicuous place outside the place of vend, a signboard bearing the name of the vendor, with the words "*licensed vendor of stamps*" in the vernacular language of the district. He shall also have in the place of vend his license and the Acts of the Legislature and their Schedules referring to the stamps sold by him, together with these rules in English, placed so that they can readily be seen and read by purchasers.

X.—Every *ex-officio* or licensed vendor shall write in the vernacular language of the district, on the back of every impressed sheet which he sells a serial number, the date of sale, the name and residence of the purchaser, and the value of the stamp in full in words, and shall affix his signature to the endorsement; at the same time he shall make corresponding entries in a register to be kept by him in the following form :—

Serial number of	Date of sale.	Value of stamp.			Name and residence of purchaser.	Remarks.
		Rs.	As.	P.		

No vendor shall knowingly make a false endorsement on the impressed sheet sold, or a false entry in his register.

XI.—No *ex-officio* or licensed vendor shall take for any stamp more than the value denoted thereon, and every such vendor shall, without delay, deliver any stamp which he has in his possession for sale on demand by any person tendering the value in any currency, which would be accepted on behalf of Government by the Collector of the district.

XII.—No licensed vendor shall sell any stamps the use of which has been ordered by competent authority to be discontinued.

XIII.—A licensed vendor shall obtain all the supplies of stamps which he is authorized to sell only from the treasury of the district for which his license was granted, and shall sell stamps only at the place mentioned in his license.

XIV.—Every *ex-officio* vendor shall keep and render such accounts as may be prescribed from time to time by the Board of Revenue.

XV.—Every vendor shall allow the Collector of the district, or any officer duly authorized by such Collector, or by the Local Government, at any time to inspect his accounts and registers, and to examine the store of stamps in his possession.

XVI.—Every vendor shall at any time on the demand of the Collector or other officer duly authorized

by the Local Government, deliver up all stamps, or any class of stamps, remaining in his possession; and if such stamps have been paid for, shall receive back the value thereof, less any discount which may have been allowed. A vendor resigning his license, or whose license is revoked, shall also be entitled to get back the value of the stamps remaining unsold, and which have been paid for and are fit for use, less the amount of discount allowed thereon.

XVII.—A licensed vendor may exchange unsold stamps which are fit for use for other stamps of the same class.

XVIII.—[When a stamp vendor is unable to furnish a single stamp of the value required for any instrument, the number of stamps furnished shall be the smallest number which he can supply, so as to make up the required amount, and in each such case the stamp vendor must certify truly (1) that he is unable to furnish a single stamp of the required amount; and (2) that the number of sheets furnished is the smallest number he can supply, so as to make up the required amount. (Notification, dated, August 5th 1881, C. G. PART I, *p.* 783.)]

XIX.—No certificate shall be made under Rule XVIII by a stamp vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorized to sell.

XX.—These rules came into force on the 1st May 1881.

332. NOTIFICATION No. 669, *dated, May 21st* 1881.
I. G. PART I, *p.* 207.

Remits the fees payable under Sch. II, Art 1 (c). of the Court Fees Act, on an application or petition presented to a Chief Commissioner, when such application or petition is accompanied by a petition to the Government of India, and contains merely a request that such petition may be forwarded to the Government of India.

333. CIRCULAR No. 13, *dated, May 27th* 1881.

Directions for addressing letter to the several departments of the Bengal Secretariat.

(1.) Letters on the following subjects should be addressed to the Secretary to the Government of Bengal in the General Department :—

1. Marine.
2. Education.

(Gazetted appointments in the Marine and Education Departments are dealt with in the Appointment Department.)

3. Calcutta Port Trust.
4. Inland Emigration.
5. Colonial Emigration.
6. Miscellaneous, *i. e.* all correspondence regarding—

   Ecclesiastical returns.
   Church establishments.
   Cemetery ditto.
   Act XV of 1872 (the Indian Christian Marriage Act).

Act III of 1872 (an Act to provide a form of marriage in certain cases).

Death returns of European uncovenanted officers.

Orphans.

Circuit-houses.

Zemindari dâk.

Supply of provisions to troops *en route*.

Newspapers and periodicals.

Books and stores from England.

Volunteer Corps (except the Calcutta and East Indian Railway Corps.)

Miscellaneous subjects not mentioned in the lists of other departments.

(2.) Letters on the following subjects should be addressed to the Secretary to the Government of Bengal in the Revenue Department :—

1. Land Revenue, including—

Survey and settlement of all Government estates.

Wards', Attached and Government estates.

Land acquisition for Post and Revenue offices.

Settlement of Government waste lands.

All other miscellaneous questions connected with land revenue.

2. Miscellaneous Revenue, including—

Opium.

Salt.

Customs.

Forests.
Famine.
Jurisdiction and boundaries.
Archæology.
Photography.
Language.
Exhibitions.
Museums.
Fairs.
Zoological Gardens.
Geology.
Minerals.
Meteorology.

(3.) Letters on the following subjects should be addressed to the Secretary to the Government of Bengal in the Financial Department :—

1. Provincial Services and Local Fund estimates and accounts.
2. Staging-bungalows (to be submitted through the Public Works Department).
3. Pensions and gratuities (except those payable from the Calcutta Police Superannuation Fund, which should be addressed to the Judicial Department).
4. Treasury establishments and treasure.
5. Coinage and currency.
6. Defalcations and losses of public money.
7. Stationery and printing.
8. Road-Cess.
9. Public Works Cess.

10. License-tax.
11. Excise.
12. Stamps.
13. Supply of Gazettes.
14. Gazetteers.
15. Agriculture and Horticulture, including Botanical Gardens.

(4.) Letters on the following subjects should be addressed to the Secretary to the Government of Bengal, in the Medical and Municipal Departments :—

1. Medical, including—
   Vaccination.
   Insanes (non-criminal.)
   Lunatic Asylums.
   Dispensaries and Hospitals.
   Lock-hospitals.
   Medical Service.
   Epidemics.
   Medicines.
   Blind and Incurable Paupers.
   Indian Medical Gazette.
   Extra budget grants for Medical Institutions.
   Pay and allowances of non-gazetted officers.
2. Municipal, including—
   Municipal Acts.
   Ditto By-laws and Rules.
   Ditto Taxation and Assessments.
   Ditto Loans, Advances, and Grants.
   Ditto Appointments and Resignations.

Transfer of roads from the charge of Municipalities to that of Road Cess Committees.

Transfer of proceeds from pounds and ferries to Municipalities.

Acquisition and disposal of lands.

Audit of Municipal Accounts.

Defalcations and losses of Municipal Funds.

3. Sanitation—

Vital statistics.

4. Ferries.

(5). Letters on the following subjects should be addressed to the Secretary to the Government of Bengal in the Statistical Department :—

1. Census.
2. Trade and traffic.
3. Weather and crop reports.
4. Prices-current of food-grains, &c.

(6.) Letters on the following subjects should be addressed to the Secretary to the Government of Bengal in the Judicial Department :—

JUDICIAL.

1. Civil Courts and Establishments.
2. Criminal Courts and Establishments.
3. Legal business of Government.
4. Appeals and Petitions against judicial orders and sentences.
5. Extradition.
6. Criminal tribes and criminal lunatics.
7. Riots and disturbances.

8. Vagrants and vagrancy returns.
9. Benches of Magistrates.
10. Honorary Magistrates.
11. Pleaders and Mooktears.
12. Registration of Mahomedan marriages and divorces and appointment of Marriage Registrars.
13. Rewards for the destruction of wild animals and venomous snakes.
14. Exemption from personal attendance in Civil Courts.
15. Boundaries of Cantonments.
16. Extra budget grants of Judicial and Magisterial officers (through the Accountant-General.)
17. Extension of Acts or sections of Acts for Judicial purposes.
18. Intestate property.
19. Law Books, Law Reports, Chronological Tables and Bengali Almanacs.
20. Inquests.
21. Infanticide.
22. Car festival.
23. Mail robberies.
24. Counterfeit coins.
25. Inspections of steam-boilers and prime-movers.
26. Conduct of Judicial officers.
27. Judicial forms.
28. Quarterly returns of criminal business.

POLICE.

1. Police establishments generally.
2. Crime reports and returns.
3. Arms, ammunition, and equipment.
4. Guards and escorts.
5. Buildings and lands required for Police purposes.
6. Changes in the jurisdictions of Police stations and outposts.
7. Cattle pounds.
8. Municipal Police Budgets.
9. Rewards to Police officers.
10. Travelling allowances of Police officers.
11. Ghatwali and other service lands.
12. Railway and colliery accidents.
13. Pensions and gratuities payable from the Police Superannuation Fund.
14. Working of the Arms Act.
15. Working of the Village Chowkidari Act.
16. Police Gazette.
17. Police Forms.

(7). Letters on the following subjects should be addressed to the Secretary to the Government of Bengal in the Political Department :—

POLITICAL.

1. Affairs of the Nawab Nazim of Bengal and the Nizamut.
2. Governor-General's Agency at Moorshedabad.
3. Affairs of the King of Oudh.

4. Governor-General's Agency with the King of Oudh.
5. Pensions of members of the Mysore Family (descendants of Tippoo Sultan).
6. Affairs of Bhootan.
7. Boundaries between Native States and British Territory.
8. Cuttack Tributary States.
9. Chota Nagpore Tributary Mehals.
10. Chittagong Hill Tracts Frontier.
11. Cooch Behar State.
12 Hill Tipperah.
13. Political Agency, Hill Tipperah.
14. Sikkim.
15. Bhootan.
16. Political pensions.
17. Political prisoners.
18. Political refugees.
19. Precedence.
20. Titles and titular distinctions.
21. Khilluts.
22. Consular appointments.
23. Medals.

JAILS.

1. Jails.
2. Subsidiary Jails.
3. Reformatories.
4. Epidemics in Jail.
5. Jail manufactures.

6. Transportation of convicts.
7. Insane prisoners.

REGISTRATION.

1. Registration of Assurances.
2. Act X of 1866 (The Indian Companies Act.)
3. Registration offices and buildings.
4. Appointment of Sub-Registrars.

(8.) Letters on the following subjects should be addressed to the Secretary to the Government of Bengal in the Appointment Department :—

1. Appointment, transfer, promotion, and leave of gazetted officers of all branches of the service.
2. Nomination rolls of canoongoes.
3. Appointment of Justices of the Peace, and Members of School, Examination and Road Cess Committees.
4. Investment of officer with powers not specially connected with particular departments.
5. Admission of officers into the service of Government after they have passed the age of 25 years.
6. Retention of officers in the service of Government after they have attained the age of 55 years.
7. Supply of the Civil List and Financial Codes, and all questions relating to the former.
8. History of the services of gazetted officers.
9. Departmental examinations, and examination in frontier and tribal languages.

10. Reports of making over and taking over charge of office.

334. NOTIFICATION No. 1361, *dated, June 24th* 1881.

I. G. PART I, p. 264.

Remits the Court fees payable under Clauses 6, 7 and 9 of Schedule I of the Act on copies furnished by Civil and Criminal Courts for the private use of persons applying for them.

This notification shall not be deemed to exempt copies furnished thereunder from the payment of the fees chargeable on such copies when filed, exhibited or recorded in a Court of Justice or received by a public officer.

335. CIRCULAR No. 33J, *dated, June 27th* 1881.

When any Government servant is dismissed for an offence for which he is liable to be prosecuted, but it is thought inexpedient to prosecute him, the reasons for so thinking should be recorded at the time of passing the order of dismissal and those reasons, together with any report that may be subsequently made, should be forwarded to Government. If there is no objection to such a course the reasons should be included in the order of dismissal of which the dismissed shall have a copy.

336. CIRCULAR No. 34P, *dated, June 28th* 1881.

Water clocks for use at Moonsifees can be had at 2½ Rupees in the Alipore Jail.

337. CIRCULAR No. 37J, *dated, July 1st* 1881.*

All District Judges in Bengal are empowered to appoint Commissioners to administer oaths on affidavits made under the C. C. P. (see section 197.)

338. CIRCULAR No. 20, *dated, August 5th* 1881.

The words "Fort William" should not be written on covers intended for any office in Calcutta. Where these words are printed on covers they should be struck out by hand, and the simple address "Calcutta" will be sufficient.

339. CIRCULAR No. 46J, *dated, August 29th* 1881.

Process serving peons of all Civil Courts at the Sudder Station except Small Cause Courts should be placed under the direct control of the District Judge. Their pay bills will be drawn out by him and their appointments also will rest in his hands. But the peons of the Munsiffs' Courts should be kept distinct, and as far as possible under the control of those officers themselves. In case of vacancies the nomination of new peons should rest in their hands subject to confirmation by the District Judge.

340. NOTIFICATION No. 2778, *dated, September 2nd* 1881.
I. G. PART I, *p.* 365.

Remits the stamp duty chargeable under Act I of 1879 on instruments executed by Government Officers, and their sureties, to secure the due accounting for property received by such officers by virtue of their office.

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* The Civil Court Ameen should ordinarily be deputed for the purpose of executing the Commissions referred to in this circular. (H. C. C. O. No. 39, dated, 22-12-79.)

341. RESOLUTION, *dated, September 5th* 1881.*
C. G. SUP. *p.* 941.

Rules regarding the training of Junior Civilians who have elected the Judicial branch of the service in the Lower Provinces.

(a) All Covenanted Civil Officers should be invested at the end of 5 years' service with the powers of a Moonsiff, without reference to the branch of the service which they intend to select; and they should exercise such powers in addition to the powers with which they are vested as Magisterial Officers.

(b) All Covenanted Civilians should be called on to elect between the Executive and Judicial branches of the service after 9 years instead of, as at present, at some period between the 10 and 12 years of service.

(c) Officers electing the Judicial branch should, on making their election, be relieved, as far as possible, of executive duties, and be invested with the powers of a Subordinate Judge, and also with the power to hear Criminal Appeals, under Section 266 of the Criminal Procedure Code. (now Sec. 407, para 1.)

342. CIRCULAR No. 47J, *dated, September 7th* 1881.

There is no objection to ministerial officers holding or even acquiring immovable property in the district in which they are employed, provided that in purchasing it they do not violate the provisions of Government Circular No. 99 of August 21st, 1873.

* Instructions regarding the supply of work to Covenanted Civilians invested with the powers of a Subordinate Judge or Munsiff. (see H. C. C. O. No. 27, dated, 10-11-81.)

343. Circular No. 31, *dated, September 9th* 1881.

An order for increase of pay shall have no retrospective effect, except in special cases.

344. Notification No. 2967, *dated, September 9th* 1881.

I. G. Part I, *p.* 373.

Remits the stamp duty payable on leases or counterparts thereof, executed at the time of settlements made directly by Government with existing occupants of land, whether zemindars or tenants, and whether self-cultivating or not, provided that no fine or premium is paid in consideration of such lease.

345. Circular No. 6P, *dated, September* 19*th* 1881.

No Government officer shall be at liberty to divulge any portion of the instructions received by him in his official capacity, or make public any documents or papers that may come into his possession in the discharge of his duties unless he is specially authorized so to do. The mere absence of a direction to keep it secret is never to be considered as sufficient authority for the purpose.

346. Notification, *dated, September* 30*th* 1881.

C. G. Part I, *p.* 915.

When in any suit or proceeding a local investigation for any of the purposes specified in Section 392 C. C. P., is deemed necessary, the Court shall, before issuing a commission, apply to the District Judge for his instructions regarding the particular person whose services are available for that duty, and shall issue a commission in accordance with his nomination.

347. CIRCULAR No. 30, *dated, October 18th* 1881.

Rules prescribed in supersession of the rules promulgated by the notification of the 3rd December 1858, regarding sale of property to natives by European public servants of all descriptions, Civil, Military and Uncovenanted.

(a) Whenever a public servant wishes to dispose of a house, bungalow, elephant, horse or carriage, or other valuable property, to any native within his jurisdiction, or within the limits of the district in which he is employed, and from which he is not about to remove, he must report his intention to the Local Government stating the facts and circumstances and the price offered for the article to be sold. The Local Government will then pass such orders on the reference as may seem fit and proper.

(b) Whenever a public servant is about to quit his station or district permanently, or for a considerable period, and wishes to dispose of any such property to native purchasers, he shall report his intention to the Commissioner or the head local authority to which he is subordinate, and that authority will use its discretion in allowing the transaction, or in reporting the circumstances to the Local Government for orders.

(c) Whenever a public servant, on quitting his station or district, wishes to dispose of his furniture, household goods, live-stock, &c., he may do so either by circulating lists of such property amongst the community generally, or by public auction, without refer-

ence to any authority whatever. The transaction should be open and patent to every body on the spot.

(d) Rule No. *(a)* is to be considered applicable to purchases equally with sales.

348. Circular No. 32, *dated, October* 19*th* 1881.

The pay and the allowances of an officer in an appointment, which has been sanctioned by the Government of India for a specified period only, should cease at the end of the period of sanction. If the Local Government thinks it necessary to extend the period, it should take care to submit its application for such extension beforehand.

349. Circular No. 35, *dated, October* 28*th* 1881.

No Officer shall issue duplicates or copies of receipts or vouchers in lieu of those alleged to be lost or missing. If any necessity for such a document arises, he may issue a certificate stating that he finds from his accounts (or other records), that on a specified day he received from or paid to A. B. a certain sum on a certain account. This order does not apply to cases where under existing rules duplicates are required to be prepared with the originals, but only prohibits the issue of duplicates on the allegation that the originals have been lost.

350. Circular No. 36, *dated, November* 4*th* 1881.

No Public Officer who is supplied with funds from the public treasury, or who, in the exercise of his duty, receives money on the part of Government, either in deposit or as revenue, shall open an account with a Bank in respect of such funds or money, without the

previous consent of the officer to whose audit he is subject.

351. CIRCULAR No. 32, *dated, November 5th* 1881.

Wax cloth should be used only as the inside covering of articles sent by post, and the stamps should be fixed upon the outer covering of paper or some other stuff upon which the stamps may adhere well.

352. CIRCULAR No. 61J, *dated, November 21st* 1881.

All Government Pleaders in the Lower Provinces of Bengal are appointed to be *ex-officio* Public Prosecutors in the districts in which they hold the office of Government Pleader. Sec. 57, Act X of 1872, (now Sec. 492).

353. NOTIFICATION No. 232 I-J, *dated, November 25th* 1881.

I. G. PART I, *p.* 589.

Summonses issued by any Court in Mysore may be sent to the Courts in British India, and served as if they had been issued by such Courts.

354. NOTIFICATION No. 233, I-J, *dated, November 25th* 1881.

I. G. PART I, *p.* 589.

Decrees of the Civil and Revenue Courts of Mysore may be executed in British India as if they had been made by the Courts of British India.

355. CIRCULAR No. 27, *dated, December 6th* 1881.

No general order is issued under cl. *(b)* of Sec. 3 of Act XI. of 1881, but His Excellency in Council will take action under that clause if any case of inordinate assessment of Government property is brought to

his notice for which redress cannot be obtained under the ordinary Municipal Law.

356. Circular No. 19 A, *dated, December 6th* 1881.

No officer who, while on privilege leave, obtains a certificate to the effect that he is incapable of work and requires leave for a lengthened period, should be allowed, even for a single day, to rejoin his office (the duties of which it may be presumed that he is physically unfit to perform) before the expiration of his privilege leave, and he should not then be permitted to proceed on furlough on medical certificate.

357. Circular No. 45, *dated, December 14th* 1881.

Candles should not be supplied by the stationery office, but should be purchased in the local market and charged for in the contingent account of the officer making the purchase.

358. Circular No. 47, *dated, December 30th* 1881.

Superintendents of stationery should supply 20 per cent. of the requisitions made on them for envelopes of English paper, provided the quantity stated in those requisitions does not exceed the average quantity hitherto supplied. Where the quantity is in excess of present requirements, a further proportional reduction should be made. The balance of the indents should consist of envelopes of Indian paper.

359. Circular No. 2 J, *dated, January 4th* 1882.

All letters and copies of papers should be carefully compared and examined before issue. The instructions contained in Circular No. 20, dated, 6-7-72, (No. 102) should be strictly and carefully observed.

360 CIRCULAR No. 1, *dated, January 6th* 1882.

Judges are to exercise careful and personal supervision over the preparation of indents for forms.

361. CIRCULAR No. 4, *dated, January 28th* 1882.

The rules laid down in Circular No. 30, dated, 18-10-81, (No. 347), are not applicable to *bona-fide* transactions with regular dealers.

362. CIRCULAR No. 8, *dated, March 2nd* 1882.*

Munsiffs may be appointed as members of District Road-cess or Municipal Committees, but they cannot be elected to fill up the office of Vice-Chairman.

363. NOTIFICATION No. 1288, *dated, March 3rd* 1882.

I. G. PART I, *p.* 131.

Rules by the Governor-General, under Sections 9, 15, 17, 32, 51 and 56.

In exercise of the powers conferred by Sections 9, 15, 17, 32, 51 and 56 of the Indian Stamp Act, 1879, the Governor-General in Council is pleased to make the following rules :—

CHAPTER I.—*Preliminary.*

Notification No. 875 of 26th February and 966 of 4th June 1881 superseded.

1. These rules came into force throughout British India on the 1st April 1882 in supersession of the rules promulgated by notifications No. 875, dated, 26th February, and No. 966, dated, 4th June 1881.

2. All words and expressions used in these rules and defined in the Indian Stamp Act, 1879, shall be

* A sole Munsiff in station should not be Municipal Commissioner, nor a Member of Road-cess Committee, unless he has leisure for such duties (H. C. G. L. No. 2, dated, 29-1-77.)

deemed to have the meaning attached to them respectively by the said Act.

Two kinds of stamps (1) Impressed stamps (2) Adhesive stamps.

3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely :—

(a) Impressed stamps,—including—Impressed sheets,—that is to say, sheets of paper bearing the impression of stamps of different values engraved thereon, and sold to the public for use by them in accordance with these rules.

Impressed Labels,—to be affixed and impressed by Government officers as directed in Chapter III of these rules.

(b) Adhesive stamps sold to the public for use by them in accordance with these rules.

CHAPTER II.—*Of Impressed Sheets.*

Rules regarding Impressed Sheets.

4. All instruments chargeable with duty, except hundis, may be written on Impressed sheets, and, except as provided by Section 10 of the said Act and by these rules, shall be so written.

When one sheet only to be used.

5(a) When any instrument is to be written on an Impressed Sheet, if the amount of duty with which such instrument is chargeable, does not exceed one hundred rupees, a single sheet shall be used, unless—

When more than one, can be used.

Where the application for the required stamp is made at a treasury, the officer in charge of such treasury, or, where

such application is made to a stamp-vendor, the vendor certifies that he is unable to furnish a single stamp of the required value.

(b) When the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a treasury officer or stamp-vendor has certified under clause (a) that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the treasury officer or the stamp-vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount.

(c) No certificate shall be made under clause (a) or clause (b) by a stamp-vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorized to sell.

When more than one sheet is used, portion of the instrument to be written in each.

(d) When, under this rule, two or more Impressed Sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

When plain paper may be subjoined.

(e) When a single sheet used under this rule is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument: provided that in every such case the side of the sheet

which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to such sheet. Provided further, that the part of the instrument written on the plain paper must be attested by the signatures or marks of all the persons executing the document and the witnesses to the same.

When two or more share transfer stamps may be used.

(f) [When any instrument of transfer of shares in a Company or Association is written on an Impressed Sheet and the value impressed thereon, is subsequently, in consequence of a rise in the market-value of such shares, found to fall short of the amount of duty, chargeable under article 60 (a), Schedule I of the Act, two or more adhesive share transfer stamps, hereinafter mentioned, may be used to make up the required amount. (Notification No. 1444, dated, March 16th 1883, I. G. Part I, p. 159.)]

Rules for the writing of Hundis other than Hundis which can be stamped with an adhesive stamp, uuder Section 10 of Stamp Act.

6.*(a)* Hundis other than Hundis which can be stamped with an adhesive stamp under Section 10 of the said Act shall be written as follows :—

(1.) Hundis payable otherwise than on demand, but not more than one year after date or sight, and for amounts not exceeding Rs. 30,000 in individual value, on impressed sheets bearing the word hundi ;

(2.) Hundis exceeding Rs. 30,000 in individual value, and Hundis payable at more than one year after date or sight, on paper supplied for sale by the Govern-

ment, and to which labels have been affixed by one of the officers mentioned in Rule 9, clause (b), or by the Superintendent of Stamps, Calcutta, and impressed by him in manner provided by Rule 10.

(*b*). Every sheet of such stamped paper shall be of a size not less than $8\frac{5}{8} \times 5\frac{1}{8}$ inches, and no plain paper shall be joined to it.

(*c*). The provisions in Rule 5 as to use of two or more sheets of stamped paper when a single stamp of the required value is not procurable apply also to Hundi stamps used under this Rule.

6A. [Promissory Notes drawn or made in British India, and chargeable with a duty of annas 6, 10, or 12 shall be written on impressed sheets of those values bearing the word "Hundi." (No. 2955, dated, December 1st 1882. I. G. Part I, p. 487.)]

7. The duty payable on any instrument chargeable with a duty of one anna may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps at Calcutta, Bombay, Madras, or Rangoon.

CHAPTER III.—*Of Impressed Labels.*

Impressed labels. Instruments for which impressed labels may be used.

8. Impressed labels may be used for the following instruments and counterparts thereof, namely :—

(1). Administration-bonds :

(2). Affidavits :

(3). Appointments made in execution of a power :

(4). Articles of Association of a Company :

(5). Articles of Clerkship :

(6). Bills of Lading :

(7). Charter-parties :

(8). Declarations of trust :

(9). Instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of movable property :

(10). Leases printed or lithographed in an oriental language, when the written matter filled in does not exceed one-fourth of the printed matter :

(11). Memoranda of Association of Companies :

(12). Notes of protest:

(13). Petitions for leave to file a specification of an invention, &c.

(14). Policies of insurance:

(15). Revocations of trust:

(16). Warrants for Goods:

and for the following—when written in any European language, provided that any instrument written in any European language other than English, shall have attached to it a translation in the English language:—

(17). Agreements or memoranda of Agreements, which in the opinion of the officer empowered to affix the label cannot conveniently be written on Impressed sheets:

(18). Instruments engrossed on parchment and written in the English style, which in the opinion of such officer cannot conveniently be written on Impressed sheets :

(19). Awards :

(20). Bills of Exchange payable otherwise than on demand and drawn in British India:

(21). Bonds :

(22). Certificates of sale :

(23). Composition-deeds :

(24). Conveyances :

(25). Instruments imposing a further charge on mortgaged property:

(26). Instruments of apprenticeship :

(27). Instruments of co-partnership :

(28). Instruments of dissolution of partnership :

(29). Instruments of exchange :

(30). Instruments of gift :

(31). Instruments of partition :

(32). Leases :

(33). Letters of license :

(34). Mortgage-deeds :

(35). Powers of Attorney :

(36). Reconveyances of mortgaged property :

(37). Releases :

(38). Settlements :

(39). Transfers of the description mentioned in Article No. 60, clauses (b), (c), and (d) of the first Schedule of the said Act.

Officers empowered to affix labels.

9. The following officers are empowered to affix these labels to the instruments mentioned in Rule 8, namely :—

(a) The Collectors of Calcutta and Karachi ;

(b) The Superintendents of Stamps at Madras, Bombay, Lahore, Rangoon, Moulmain, and Akyab ;

(c) The Commissioner of Stamps, North-Western Provinces and Oudh ;

(d) The Superintendent of Stamps (Political Resident), Aden.

Rules to be observed in impressing labels.

10(a). Every such officer shall, upon any instrument mentioned in Rule 8 being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels, the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metalic eyelets.

(b). When the stamp duty amounts to five rupees or upwards, such officer shall further write on the face of the label or labels his initials, and, when the stamp duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the labels.

[In Calcutta, the Head Assistant to the Collector is empowered as well as the Collector to initial any label or labels, and to attach his usual signature to any instrument immediately under the labels. (No. 4643, dated, October 31st 1882. I. G. Part I, p. 450.)]

11(a). The payment of duty on instruments other than Bills of Exchange, Cheques, and Promissory Notes executed out of British India and requiring to be stamped after their receipt in British India, shall be indicated only by impressed labels.

Impressed labels to be used for certain Instruments executed out of British India.

(b). When any such instrument is taken to the Collector under Section 17 of the said Act, the Collector, unless he be Collector of Calcutta or Karachi, shall send the instrument to one of the officers mentioned in Rule 9, remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument in the manner prescribed by Rules 10 (a) and 10 (b) and return the same to the Collector for delivery to the person by whom it was produced.

Rules for impressing labels on instruments.

Chapter IV.—*Adhesive Stamps.*

12. Bills of Exchange, payable otherwise than on demand and drawn in sets, when the amount of stamp duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

Rules as to adhesive stamps.

13. Except as otherwise provided in these Rules, the adhesive stamp used to denote the duty of one anna shall bear the words "one anna".

14. The following instruments when stamped with adhesive stamps shall be stamped as follows:—

(a) Bills of Exchange, Cheques, and Promissory Notes drawn or made out of British India, [and charge-

able with a duty of more than one anna (No 2955, dated December 1st 1882)] with adhesive stamps bearing the words "Foreign Bill."

(b) Transfers of shares of Public Companies and Associations, with adhesive stamps bearing the words "Share Transfer."

(c) An entry as an Advocate, Vakil, or Attorney on the Roll of any High Court, with an adhesive stamp, bearing the word "Advocate," "Vakil," or "Attorney." (Such stamp shall be affixed under the superintendence and responsibility of a Gazetted Officer of the High Court, who shall obtain the stamp from the Superintendent of Stamps and account to him for it. The Gazetted Officer who affixes the stamp shall write on the face of it his usual signature and the date of signature before parting with the instrument.)

(d) Notarial Acts, with adhesive Foreign Bill Stamps bearing the word "Notarial" printed over them.

CHAPTER V.—*Miscellaneous.*

15. When it is necessary under Section 15 of the said Act to denote upon one instrument the payment of duty in respect of another, such payment shall be denoted by an endorsement under the hand of the Collector on the former instrument.

16. Every payment made under Section 30 of the said Act shall be made in cash.

17. The Collector may require every person claiming a refund or renewal under Chapter VI. of the said Act,

Rules as to refund under Chapter VI.

or his duly authorized agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his agent.

Reward to persons who may have contributed to have an offender convicted under Chapter VIII.

18. Any Magistrate convicting or trying an offender under Chapter VIII. of the Stamp Act may grant to any person, who may have contributed to the conviction, a reward within a limit to be fixed by the Local Government.*

364. RESOLUTION No. 11-426-37, *dated, March 17th* 1882.

Members of the Native Civil Service should be permitted to hold any lands actually in their possession when they enter the service of Government, or which may come into their possession hereafter by inheritance, gift or devise, provided that full information in respect of such lands is given to the Local Government, which will consider in each case whether the fact of an officer holding any particular lands need be a bar to his employment in the district where these are situated. No fresh *purchase* of land should, however, be allowed on the part of a member of the Native Civil Service without the previous sanction of the Local Government under which he is serving.

* NOTE.—Under the power given by this rule the Government of Bengal has limited the reward to be given by a Magistrate to the amount of fine levied up to a maximum sum of Rs. 50.

The rules regarding trading and lending or borrowing money which at present apply to members of the Covenanted Civil Service, should be held to apply also to Natives of India appointed to the Covenanted Civil Service, under the provisions of 33, Victoria, Chapter III, Section 6.

365. CIRCULAR No. 19J, *dated, March 27th* 1882.

Sanctions the entertainment in any case within the district in which the District Judge thinks it necessary, of a Mohurir on a salary of Rs. 25 per mensem for each junior Civilian who has been, or may hereafter be, vested with the powers of a Munsiff or Subordinate Judge. The Mohurirs appointed for officers at sudder stations should be made to work in the regular establishment in the court of the Munsiff, or in the Court of the District Judge when not required by the Civilian Munsiff, or Civilian Subordinate Judge; but in Sub-divisions these Mohurirs should be employed on the ordinary Sub-divisional Staff when not required by the Civilian Munsiff for Civil work.

366. CIRCULAR No. 21 J, *dated, March 27th* 1882.

There is a prohibition against the receipt of complimentary addresses by the servants of Government, and the mere fact that the addresses are presented by persons unconnected with the province to which a Government servant may belong, is no reason to make it an exception to the general rule. But under particular circumstances such presentation and receipt may be unobjectionable, and the Governor-General in Council would deal with them on their merits as they may arise.

The propriety of receiving addresses after retirement from service also depends on the particular circumstances of each case. Though it is not possible for Government to impose any general prohibition on the receipt of addresses by officials, who had permanently severed their connection with the Government service, it would certainly be considered a contravention of the spirit of the existing rule on this subject to receive addresses immediately after retirement when they must be intended as acknowledgments of acts performed by the recipient whilst in public service.

367. NOTIFICATION No. 158, *dated, April 7th* 1882.

I. G. PART I, *p.* 161.

Remits the stamp duty on the renewal or subdivision of the debenture loans, amounting in all to Rs. 46,99,600 contracted by the Municipal Commissioners of the Town of Calcutta, previous to the year 1869, and those amounting to Rs. 6,50,000 contracted in the year 1878.

368. RESOLUTION No. 225, *dated, April 12th* 1882.

Postage charges on all processes, notices, and such other documents as are issued from any Judicial or Revenue Court, and are required to be transmitted by post, shall be paid by means of service postage stamps, without any additional charge being levied from the parties at whose instance the processes are issued.

369. NOTIFICATION No. 279, *dated, April 14th* 1882.
I. G. PART I, *p.* 165.

Remits the stamp duty payable on Bills of Exchange drawn quarterly by the Government of Portuguese India for the money payable to that Government under Article XV of the Anglo.-Portuguese Treaty.

370. NOTIFICATION No. 329, *dated, April 14th* 1882.
I. G. PART I, *p.* 165.

Remits the stamp duty payable on all agreement papers passed by Commissariat Contractors when their security deposits are transferred to a Savings Bank.

371. CIRCULAR No. 26J, *dated, April 19th* 1882.

Subordinate Judges shall be supplied with English copies of Acts, Bills and important Circulars as published in the *Calcutta Gazette* in the same manner as they are circulated to Munsiffs.

372. LETTER No. 1925J, *dated, April 21st* 1882.

Civil suits, made over to Covenanted Officers for decision should be taken up on the days fixed for hearing, and they should not be postponed to be taken up at odd moments of leisure. But the number of hours which the Civilian Munsiff or Subordinate Judge at the Sudder Station should devote to the trial of civil suits should be arranged in communication with the Judge and Magistrate.

The number must vary in different districts and at different periods of the year. When the Magistrate is on tour, and the Joint Magistrate is left in charge of the current duties of his office, the number of

hours to be devoted to hearing civil suits should be so regulated as to leave the Joint Magistrate time to carry on the ordinary routine, executive, and miscellaneous work of the Magistrate-Collector's Office, devoting to his duties as Civil Judge only that portion of his time which would otherwise be occupied in hearing criminal cases.

373. CIRCULAR No. 20, *dated, May 2nd* 1882.

Sanctions Rs. 6 per mensem for the exenditure incurred under the head of "Contract Contingencies" by the Civilian Munsiff.

374. CIRCULAR No. 8A, *dated, May 17th* 1882.

A Public Officer proceeding from one appointment to another in the public service on the occasion of his transfer, either permanently or temporarily, and whether with or without promotion, shall, if he is allowed or entitled to draw pay or acting allowance during the period of transit, be permitted to draw travelling allowance at the usual rates, unless he is transferred at his own request.

375. NOTIFICATION No. 1603, *dated, June 9th* 1882.

I. G. PART I, *p.* 226.

Remits the stamp duty (if any) chargeable on copies of, or extracts from, baptismal, marriage, or burial registers certified by Government Chaplains, subsidised or unsubsidised Clergymen, or Diocesan Registrars, and granted to—

(1). Soldiers, sailors, or non-commissioned or petty officers;

(2). Or persons in needy circumstances, in whose favor Chaplains may exercise the discretionary power vested in them by Rule IX of the Ecclesiastical Fee Rules published on the 29th September 1869, and may grant exemption from the payment of fees under Rule IV of those rules.

376. NOTIFICATION No. 1733, *dated, June 16th* 1882 I. G. PART I, *p.* 238.

Remits the stamp duty chargeable on Bills of Lading, executed out of British India and relating to property to be delivered in British India.

377. CIRCULAR No. 5 T-F, *dated, June 24th* 1882.

No addition to salary may be sanctioned for duties performed for Municipalities or Funds administered under a Local Government, including Port Trust Funds and Wards' Estates, since all such funds are entitled to the gratuitous advice and services of officers of the Public Works Department, and of all Government Medical, Sanitary, and Educational Officers, when these can be given without detriment to the public service. This order is not intended, however, to affect any Government Officer who, as a Director of a Railway Company, or as a Member of a Town Council or Port Trust &c., is under any special or local law entitled to receive fees or other remuneration for attendance at meetings for the transaction of business.

378. CIRCULAR No. 31 J, *dated, June 27th* 1882.

Local authorities should invariably refuse to grant permission to the holding of lotteries, and should give

no encouragement to such undertakings by allowing advertisements regarding them to appear in Local newspapers.

See also Resolution No. 329, dated, September 1st 1877, Home Department.

379. CIRCULAR No. 7 T-F, *dated, June 28th* 1882.

Contributions for pension and leave payable to Government of India by an officer, of the British Government, transferred to "Foreign* Service" or whose services are lent for other than Imperial purposes, either in England, or in a British Colony, or to a Foreign State, shall be made—

(a) If the officer be a Covenanted Civil Servant,—at the rate of $16\frac{2}{3}$ per cent. (one-sixth) on the gross salary received from his foreign employers;

(b) In the case of all other officers,—at the rate of $14\frac{2}{7}$ per cent. (one-seventh) on the same, provided that the contribution from an Uncovenanted Officer shall not exceed Rs $166\frac{2}{3}$ a month.

Where a higher rate of contribution has been paid, the rate shall be reduced as above; and the gross salary readjusted so as to leave the officer the same net salary as enjoyed by him.

(2). In the case of a Native of India, not being a Covenanted Civil Servant, contributing for pension only without any claim to leave allowances, the contribution shall be one-eleventh of the salary re-

* Foreign service includes service under a Native State, Municipality, Port Trust, Court of Wards, or other Body financially independent of the Government of India, as well as service paid for from a Local Fund under such circumstances that it does not qualify for pension and leave under the rules in the Civil Pension and Leave Codes.

ceived from his foreign employers and shall not exceed Rs 100 a month.

(3) These rules do not affect—

(i) The cases of officers provided for in Section 10, Civil Pension Code (a) to (f); and

(ii). those of inferior servants provided for by Rule 4, Section. 8, Civil Pension Code.

380. CIRCULAR No. 32J, *dated, June 29th* 1882.

Sanctions the employment of a special Comparing Clerk on a salary of Rs. 20 rising to Rs. 30 per mensem, in every office in which the receipts from copying fees exceed the expenditure by Rs. 500 per annum.

381. NOTIFICATION No. 2036, *dated, June 30th* 1882. I. G. PART I, *p.* 257.

The stamp duty payable under Art 22 of Schedule I to the Indian Stamp Act, 1879, on copies or extracts certified to be true copies or extracts of baptismal, marriage, and burial certificates shall be denoted by means of adhesive Court-fee labels.

382. CIRCULAR No. 36, *dated, July 24th* 1882.

Form of notice to the Superintendent of the Jail of the release of under-trial prisoners (para 817, *Jail Code.)*

Name of Prisoner.	Offence.	Order, with date.

COURT.
The 188

383. NOTIFICATION, *dated, July 31st* 1882.
C. G. PART I, *p.* 666.

An Uncovenanted Officer who has passed the Departmental Examination by the Lower Standard in any subject is at liberty to present himself for examination in that particular subject by the Higher Standard before passing in the remaining compulsory subject by the Lower Standard.

384. CIRCULAR No. 40J, *dated, August 11th* 1882.

The word "gift" as used in Resolution No. 11—426—37, dated, March 17th 1882, should be understood to mean only *bona-fide* gifts from relatives or near friends.

N. B. See No. 364.

385. CIRCULAR No. 42J, *dated, August 14th* 1882.

It is not the intention of Government that an additional Comparing Clerk should be entertained as a matter of course for every Rs. 500 by which the annual receipts from copying fees exceed the yearly expenditure. But where the *net* annual receipts from copying fees amount to Rs. 1,000, the presiding officer of each office may employ two additional Comparing Clerks on salaries rising from Rs. 20 to Rs. 30 per mensem. Should the work in any particular office be so heavy that even this establishment cannot cope with it, a special application for further assistance should be submitted for the orders of Government.

386. CIRCULAR No. 44J, *dated, August 16th* 1882.

Applications for extra copies of Acts of the Governor-General's Council required for the public service should be submitted to the Government of

Bengal. If the Government of Bengal is unable to meet any requisition from its own stock, it may then be forwarded to the Legislative Department.

Those applicants alone who are not entitled to receive copies of the Acts free of charge should apply to the Superintendent of Government Printing; and Government Officials requiring copies for the public service do not fall within this category.

The rule prescribed in this circular should also be applied to applications for copies of other publications issued by the Legislative Department, e.g., the "Collection of Statutes relating to India," the "Index to the Enactments relating to India," &c.

387. Resolution No. 1650-1672 G, *d.*, *August 28th* 1882.

The Rule laid down in Circular No. 46, dated, May 31st 1862, prohibiting public servants from taking part in the management of companies does not apply to officers who, with the consent of the Government of India, take service under Railway Companies working under concessions from Government.

388. Circular No. 10T-M, *dated, September 5th* 1882.

A Medical Officer, not being a Civil Surgeon or an officer in medical charge of a Civil Station, shall be entitled to a fee of Rs. 16 for conducting a *post mortem* examination, and to a fee of Rs. 10 for conducting a *medico-legal* examination, other than a *post mortem* examination, in cases not falling within the ordinary discharge of his duties, whether or not he is required to give evidence in a Court of Justice in connection with such examination. It is, however, to be distinctly

understood that when such an officer is required, under these circumstances, to give evidence in a Court of Justice, he shall not be entitled to any remuneration in addition to the fee above sanctioned other than the usual expenses paid to a witness.

389. CIRCULAR No. 17 T.-F, *dated, September 13th* 1882.

Stock Notes may be received as collateral security from contractors in the same way as ordinary Government Promissory Notes. As the interest on Stock Notes is payable to bearer, and the notes are transferable without endorsement, they should always, if possible, be lodged in Government treasuries for safe custody when tendered as security to any officer of Government.

390. *CIRCULAR No. 18 T-F, *dated, September 18th* 1882.

Prescribes the form of bond of security of Ministerial Officers. Modifications may be made to render the form suitable in particular cases, but there should be as little difference as possible in the nature of the obligation of the officers, and the interest of Government must in every case be fully secured.

NOTE.—All Government Promissory Notes deposited with Government Officers, *ex-officio*, are to be forwarded by such officers to the account officer to whom they render accounts, after being endorsed as follows :—

In the Madras Presidency.—"Pay to the Accountant General, Madras."
In the Bombay Presidency.—"Pay to the Accountant General, Bombay."
Elsewhere—"Pay to the Comptroller General."

This rule does not apply to notes which are likely to be returned within 12 months to the person on whose behalf they are held ; or to notes deposited with the High Courts, the Chief Court of the Panjab, or the Court of the Recorder of Rangoon.— C. A. Code, p. 46.

Stock Notes deposited with public officers as security are to be handed over by them to the Treasury Officer. They should be recorded immediately on receipt, in a register. No interest should be paid on them as long as they are kept in custody. (Rule 9, C. A. Code, p. 48.)

Without the special sanction of the Local Government in respect of any particular case or class of cases, the only form of security to be taken from treasurers or other officers of Government, who are entrusted with the charge of public money shall consist of Government Promissory or Stock Notes. The Revenue Athorities are responsible for seeing that adequate security is taken from any of their subordinates who may be entrusted with the custody of public money.

KNOW all men by these presents that (Principal) of (1st surety) (2nd surety) of are held and firmly bound unto the Secretary of State for India in Council in the sum of Rs. to be paid to the said Secretary of State in Council, his successors or assigns or his or their certain attorney or attorneys, for which payment will and truly to be made, we bind ourselves, our heirs, executors, administrators, and representatives jointly, and every two of us bind ourselves, our heirs, executors, administrators, and representatives jointly, and each of us binds himself, his heirs, executors, administrators, and representatives severally, firmly by these presents, sealed with our seals, dated this day of 188 , and each of us the said doth hereby for himself, his heirs, executors, administrators, and representatives covenant with the said Secretary of State in Council, his successors and assigns, that if any suit shall be brought touching the subject-matter of this obligation or the condition hereunder written in any court, subject to the High Court of Judicature at

other than the said High Court in its Ordinary Original Jurisdiction, the same shall and may, at the instance of the said Secretary of State in Council, be removed into, tried, and determined by the said High Court in its Extraordinary Original Jurisdiction.

WHEREAS the above bounden was on the day of 188 appointed to, and now holds and exercises, the office of Treasurer at ; AND WHEREAS, by virtue of such office, the said has amongst other duties, the care, charge, and oversight of, and responsibility for, the safe and proper storing and keeping in the places appointed for the custody thereof respectively of all money, specie, bullion, coin, jewels, Government currency notes, stamps, and Government securities of whatever description, gold, silver, copper, lead, goods, stores, chattels or effects stored and used at, received into, or despatched from the Treasury of or paid, deposited or brought into the said Treasury by any person or persons whomsoever and for any purpose or purposes whatsoever ; AND WHEREAS the said as such Treasurer as aforesaid is also responsible that all such moneys, specie, bullion, coin, jewels, Government currency notes, stamps, and Government securities of whatsoever description, gold, silver, copper, lead, goods, stores, chattels, or effects (hereinafter together only called" the said property") are and is of full measure and good quality when received into the said Treasury and until he has duly accounted therefor and for every part thereof in manner hereinafter referred to ; AND WHEREAS

the said is bound whenever called upon so to do to show to his superior officers that the said property and every part thereof save so much thereof as he has duly accounted for is at all times intact in the places aforesaid, and is also bound to attend for the purpose of discharging his duties aforesaid at such times and places as his superior officers may appoint; AND WHEREAS the said is further bound to keep true and faithful accounts of the said property and of his dealings under written orders of his superior officers therewith respectively in the form and manner that may from time to time be prescribed under the authority of Government, and also to prepare and submit such returns and such accounts as he may from time to time be called upon to do; AND WHEREAS the bulk of the said property remains as well in the care, charge, and custody of the Treasury Officer for the time being at as of the said but as between himself and the said Secretary of State for India in Council he the said is alone responsible and answerable therefor and for every part thereof; AND WHEREAS the responsibility of the said for the said property and every part thereof does not cease until the same has been duly used under the written orders aforesaid and accounted for or been duly despatched from the said Treasury and delivered over to and a full and complete discharge therefor obtained from such persons and places as the District Officer of or other the person exercising his functions for the time being

under the sanction of the Government of
may direct; AND WHEREAS the said
in consideration of his said appointment has delivered to and deposited with and endorsed over to
as such District Officer as aforesaid Government securities to the extent of Rs. of which the numbers, amounts, and other particulars are set forth and specified in the Schedule hereunder written for the purpose of in part securing and indemnifying the said Secretary of State in Council, his successors and assigns, against all loss and damage which he or they might or may in any way suffer by reason of the said property or any part or parts thereof being in any way consumed, wasted, embezzled, stolen, misspent, lost, misapplied or otherwise dishonestly, negligently, or by or through oversight or violence made away or parted with by himself the said or any person acting for him in his said office, during his absence or otherwise or by any sub-treasurers, servants, clerks, sircars, cash-keepers, poddars, coolies or other persons nominated or accepted by or serving under him the said
or by any other person or persons whomsoever, whether in the service of Government or otherwise; AND WHEREAS the said (Principal) and the said (1st surety) and (2nd surety) as his the said sureties in that behalf have entered into the above bond in the penal sum of conditioned for the due performance by him the said of the duties

of the said office aforesaid and of other the duties appertaining thereto or which may lawfully be required of him and the indemnity of the said Secretary of State in Council and his servants against loss from or by reason of the acts or defaults of the said

and of all and every the persons and person aforesaid: Now the condition of the above written bond is such that if the said has whilst he has held the said office of Treasurer as aforesaid always duly performed and fulfilled the said duties of the said office and other the duties aforesaid, and if he the said shall, whilst he shall hold the said office, always duly perform and fulfil all and every the duties thereof aforesaid, and further if the said and do and shall indemnify and save harmless the said Secretary of State in Council, his successors and assigns, the Government of and all and every the person or persons who from time to time has or have held or shall hold or exercise the said office of District Officer while the said has held or shall hold and enjoy the said office of Treasurer as aforesaid, of and from all and every loss and damage which during the time the said has held, executed, and enjoyed the said office, has happened or been sustained, or shall or may at any times or time hereafter during the time that he the said or his agent or agents, nominee or nominees, shall hold or exercise or act in the said office happen to or be sustained by the said Secretary of State in Council, his successors or assigns,

the Government of or the said District Officer, for the time being, by, from or through the means of the neglect, failure, misconduct, disobedience, omission or insolvency of the said or his said agent or agents, nominee or nominees, or of any of the sub-treasurers, servants, clerks, sircars, cash-keepers, poddars, coolies or other persons nominated, accepted by or serving under him the said or his said agent or agents, nominee or nominees, or by, from or through the consuming, wasting, embezzling, stealing, misspending, losing, misapplying or otherwise dishonestly, or negligently, or through oversight or violence, making away or parting with the said property or any part or parts thereof, by any person or persons whomsoever, whilst he or the said has acted or shall continue to act in the said office of Treasurer as aforesaid, then this obligation to be void and of no effect, otherwise the same shall be and remain in full force and virtue : Provided always, and it is hereby declared and agreed by the said and with the said Secretary of State in Council, that the Government Promissory Notes for Rs. so deposited as aforesaid respectively or such other Government security or securities to the same amount as the District Officer for the time being of the Government of may consent from time to time to accept and receive and shall accordingly receive in lieu or exchange for the same and the interest thereof respectively shall be and remain with the said District Officer for the time being or the Government of as and for part and additional security to the

said Secretary of State in Council, his successors and assigns, for the purposes aforesaid with full power to the said Secretary of State in Council, his successors or assigns, or his or their officers and servants, duly authorized in that behalf, from time to time, as occasion shall require, to sell and dispose of the said Government securities or a sufficient portion thereof with the interest thereon and to apply the proceeds thereof in and towards the indemnity as aforesaid of the said Secretary of State in Council, his successors and assigns, as the case may require, but nevertheless the interest of the said Government securities may in the meantime be paid over as the same shall be realized by the said District Officer for the time being, or the Government of if they shall think fit to the said :Provided further, and it is hereby expressly agreed and declared between and by the said and the Secretary of State in Council that it shall be lawful for the said with the consent of the said District Officer or of other the person exercising his functions for the time being under the sanction of the Government of first had and obtained to change and substitute for the said deposit of Government Promissory Notes for Rs.

or any part thereof or for any substituted notes from time to time other notes of the same or other loans of the same or greater value without in any way affecting the obligation of the said bond or the liability of the said and as such securities as aforesaid.

The Schedule above referred to

391. *Circular No. 5 A.-D., *dated Darjeeling, the 27th September* 1882.

From—F. B. Peacock, Esq, Officiating Secretary to the Government of Bengal, Judicial, Political, and Appointment Department.

To—All Commissioners of Divisions.

I am directed to say that the Lieutenant-Governor has noticed that officers of the Subordinate Executive Service occasionally support applications for promotion by extracts of remarks made regarding them in the annual reports submitted to Government by heads of Departments, which they attach as ordinary certificates to their applications. It is not understood how access is obtained to such reports, which ought to be regarded as strictly confidential. It is evident, however, that they are not always so regarded, and that the ministerial officers in whose custody these reports are kept are either ignorant of their character, or abuse the trust reposed in them. The remarks the reports contain are intended not for the use of the officers reported on, but for the information of Government, and they should not be accessible to the officers to whom they refer. The Lieutenant-Governor therefore directs that measures be at once taken for the

Note.—This circular is given *extenso*. Probably it is the intention of the Lieutenant-Governor that copies like those mentioned in the circular should not be given to Judicial officers as well; but as that is not very clearly laid down I think it safer to leave the reader to form his own conclusion by looking into the whole of the circular.

Commissioners are not at liberty to give extracts of the reports on the characters of officers which they make to the Board, without obtaining the Board's permission (Board's Rule 4 Section III Chapter II.)

proper security of these confidential papers. All subordinate officers should be warned that these documents are not available for their inspection, and that applications supported by extracts from such reports will be disregarded.

392. LETTER No 1831, *dated, September 30th* 1882.

No youthful offender under 11 years of age should be sent to a Reformatory school unless he belongs to a criminal tribe, or comes of parents habitually criminal —in which case offenders of more tender years *i.e.* of 8 years of age may also be sent.

Where it is possible to do so without exceeding the age beyond which boys cannot be retained in a Reformatory school they should be sent for a period of not less than 4 years.

It is not desirable that boys who have become habitual and hardened criminals should be sent to the Reformatory schools as their presence has a bad effect on the other inmates of the school and any attempt also to reform them is hopeless. These cases are left to the discrimination and judgment of Magistrates; but no boy convicted more than once, if he has served a jail sentence of more than 6 months may be sent to these schools. This rule however does not bar admission of boys who have been sentenced to one or more judicial whippings.

393. CIRCULAR No. 7P-D, *dated, September 30th* 1882.

Sessions Judge will enquire on the occasion of his visits to the jails in his district, into the causes of jail offences; and also as to whether petty offences or

shortcomings on the part of the prisoners are ever allowed to be punished summarily and without record by warders and overseers. He will also make similar enquiries on the occasion of his own official inspection of jails.

394. CIRCULAR No. 11J-D, *dated, October 18th* 1882.

When Government servants are summoned to give evidence in a Civil Court in the station in which they are employed, the parties summoning them need not be charged with their salaries for the time they are absent from duty. If, however, they are summoned to attend a Civil Court at a distance, and their attendance involves an absence of more than one day from their duties, the parties at whose instance they are summoned should be required to pay into Court an amount equal to their salaries for the time of their absence.

395. RESOLUTION No. 1713, *dated, October 20th* 1882.

The rule laid down in Circular No. 46, dated, May 31st 1862, prohibiting public servants from taking part in the management of companies applies also to officers on furlough.

396. CIRCULAR No. 13A-D, *dated, October 28th* 1882.

Probationary or Officiating Deputy Collectors will be eligible for confirmation on passing the Departmental Examination by the Lower Standard. Their confirmation while entitling them to draw 250 Rs. per mensem, will not exempt them from their liability to lose their appointments if they do not pass by the Higher Standard within the prescribed time.

397. CIRCULAR No. 26, *dated, November 17th* 1882.

Criminal cases in which Mahomedan suitors or witnesses are concerned should not be fixed for hearing on the authorised Mahomedan holidays.

398. CIRCULAR No. 53J, *dated, December 8th* 1882.

On the occurrence of the escheat of estates which may have belonged to Hindus, Mahomedans, or others, to whom the Indian Succession Act does not apply, the Government will deal in a liberal spirit with the claims of persons who, except for the fact of illegitimacy, would have been entitled to succeed, or who for any reason have a moral, though not a legal, claim to consideration: such cases will be reported to the Government of India for final orders.

399. CIRCULAR No. 47, *dated, December 18th* 1882.

All officers who are entitled to the use of circuit houses, should give notice to the Magistrate of any district which they propose to visit, of their intention a few days in advance of their arrival; so that the Magistrate will then give notice to any person who may have been permitted to use the circuit-house to vacate it for the accommodation of the inspecting officer.

400. CIRCULAR No. 56J, *dated, December 30th* 1882.

Draws attention to the points in which Act X of 1882 differs from Act X of 1872.

401. RESOLUTION No. 185, *dated, January 10th* 1883.

Prescribes rules for the supply of articles of European manufacture required for the public service, India.

The utmost encouragement should be given to every effort to substitute for articles now obtained from Europe articles of *bonafide* local manufacture, or of indigenous origin. Where articles of European and of Indian manufacture do not differ materially in price and quality, preference should always be given to the latter.

Gives a list of articles which can be manufactured in India specifying the various sources from which they can be obtained.

402. CIRCULAR No. 1A, *dated, January 24th* 1883.

Uncovenanted Officers are prohibited from becoming members of a Bank's Board of Directors.

403. CIRCULAR No. 4, *dated, February 14th* 1883.

Heads of Offices and Departments under Government should strictly conform to the requirements of the Civil Pension Code as to the manner in which applications for pension should be prepared and submitted.

403A. NOTIFICATION No. 849, *dated, February 16th* 1883.

I. G. PART I., *p.* 122.

Remits in the whole of British India the fees payable under clause (a), para 4, and clause (b), para 2 of Article 1, Schedule II, annexed to the Court Fees Act, on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs. 25 in amount: provided that the application is made within three months of the date on which the deposit first became payable to the party making the application.

404. RESOLUTION, *dated, February 23rd* 1883.
C. G. SUP. *p.* 310.

Rules regarding the admission of candidates into the Subordinate Executive service.

1. In January 1885, all appointments in the Subordinate Executive service will be thrown open to public competition. Two months previous, to the examination to be thus held, notice will be given as to the number of vacancies expected during the ensuing year, and these vacancies as they occur, will be filled up according to the results of the examination.

2. The examinations of January 1885 and subsequent years will be open to all natives of India, including Eurasians, who have passed the Entrance Examination of the Calcutta University, who can produce certificates of health, respectability and good moral character, and who are not more than 25 years of age.

3. Each candidate will pay a fee of Rs. 10, and applications accompanied by the fee and the necessary certificates, must be sent not later than the 1st December in each year to the Under Secretary in the Appointment Department, or to such other person as the Lieutenant-Governor may appoint. To those whose applications are rejected the fee will be returned.

4. The candidates who have succeeded according to the number of vacancies assigned, after the examination would be attached at once to different duties in districts. They may be employed as Subordinates to the Personal Assistants of Commissioners of Divisions, as Assistants to Managers of Government and Ward's

Estates, as Assistants to Superintendents of Surveys and Settlements, or in any other capacity where they will have an opportunity of learning the practical duties of every day work which belongs to the Subordinate Executive service. During such employment they will be regarded as probationers, and their eventual appointment to a substantive post will depend upon the manner in which they discharge their duties. Until they obtain a substantive appointment, they will receive a subsistance allowance of Rs. 50 per mensem. These probationers would be absorved into the regular service in 12 months from the time of passing the examination.

5. No fresh names will be added to the existing list of candidates, selected according to the nomination system, and no Sub-Deputy Collectors would be promoted to the superior grade in the Subordinate Executive service without passing the Competitive Examination. The Government, however, reserves to itself the right, under special circumstances, of rewarding meritorious services by direct appointment or by promotion.

405. CIRCULAR No 8J, *dated, February 26th* 1883.

District Magistrates in the Lower Provinces of Bengal are the officers to whom notice of appeal to a Court of Session under Section 422 Act X of 1882 should be given.

406. CIRCULAR No. 3A, *dated, February 28th* 1883.

Applications for leave or furlough of Gazetted officers of Government, should be forwarded through

the applicant's immediate superior or the head of the department concerned, to the Accountant-General, who will then submit them to Government with the necessary certificate or report.

407. NOTIFICATION, *dated, March 15th* 1883.
C. G. PART I., *p.* 245.

Where an order for the removal or abatement of a nuisance passed under Section 133, Act X, 1882, cannot be served on the person against whom it is made, it shall be notified by proclamation by beat of drum at the place where the nuisance to be removed or abated is situated.

408. RESOLUTION No. 12-408-24, *dated, March 16th* 1883.
C. G. SUP. *p.* 500.

Rules regulating the submission by public bodies of addresses to the Government of India.

(a). An address, the sole or principal object of which is to promote or oppose a measure of Imperial legislation, or one which bears immediately upon general questions of Imperial policy, may be submitted direct to the Governor-General in Council.

[Communications on matters connected with any Bill before the Council may be addressed either in the form of a petition to the Governor-General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary.

Ordinarily such communications will not be answered.

Except in the case of the High Court at Fort William, such communications from courts, officials,

or public bodies shall ordinarily be sent through the *Local Government.* (Resolution No. 20-697-713, dated May 21st 1883, C. G. Sup., p. 805.)]

(b). When the object of an address is to induce the Governor-General to give his assent to, or to withhold his assent from, a law passed by a Provincial Legislature, it should be transmitted through the Local Government concerned.

(c). An address intended to obtain the reversal of an executive act, or one which bears directly, upon the executive action of a Local Government, should be transmitted through the Local Government in respect of whose action complaint is made. This procedure should be followed in all cases in which the jurisdiction to be exercised by the Government of India is of an appellate character or necessarily involves a reference to the Local Government.

(d) In the case of an address relating to a law passed by a Provincial Legislature, it will be convenient that a copy of the address should simultaneously be sent to the Governor-General. In other cases it will be at the option of the writers to send direct to the Government of India duplicates of representations submitted to the Local Government.

409. NOTIFICATION, *dated, March 21st* 1883.
C. G. PART I., *p.* 254.

The following rules are prescribed for the regulation of the departmental examinations of junior members of the Covenanted Civil Service, the Subordinate Executive Service, the Non-Regulation Commission, Police, &c.

1. All Assistant Magistrates, Assistant Commissioners, Deputy Magistrates and Collectors, Assistant Superintendents of Police, and others (to whom these rules may be applicable), who may have been more than six months on duty, shall, and those who have been less than six months on duty, may, at their option, be subjected to half-yearly departmental examinations, and shall be required to pass according to the standard, or the standards, of examination which may be applicable to them respectively in each subject according to the rules hereinafter setforth.

What Officers are to be examined.

2. To direct and control these half-yearly Departmental Examinations, there shall be a Central Examination Committee appointed by Government. It shall consist of a President and of as many members (of whom one shall be Secretary) as the Government may think proper to appoint from time to time.

How the examinations are to be conducted.

3. The examinations may be held, in the Regulation Provinces, at any station which is the head-quarters of a Divisional Commissioner, or where there is a District Judge; and for the Non-Regulation Provinces at the following stations, and at any other stations where the Commissioner may, in communication with the Central Examination Committee, think it necessary to hold Committees for examination :—

Where the examinations will be held.

For Chota Nagpore, at Ranchee.

For Cooch Behar, at Darjeeling or Julpigoree.

For the Sonthal Pergunnahs, at Bhagulpore.

For the Chittagong Hill Tracts, at Chittagong.

4. Each Divisional Commissioner shall notify, at least one month before the date of examination, at what stations in his division examinations are to be held, and shall report the names of intending examinees, specifying at which centre of examination each is to attend. If a Divisional Commissioner has only a very few examinees, and if the means of locomotion are easy, he will probably have only one or two centres of examination in his division.

5. The Central Examination Committee may, on sufficient cause being shewn, permit the appearance of an officer for examination at a station other than that at which, under ordinary circumstances, he would be required to present himself.

6. At the several stations at which examinations are to be held, Local Committees shall be formed, who shall conduct the examinations under the instructions of the Central Committee.

Local Committee of Examinations.

7. The Local Committee at each station, which is the head-quarters of a Commissioner, shall consist of the Commissioner, the Collector (or Deputy Commissioner), and a native Civil Officer to be selected by the Commissioner. In the absence of the Commissioner or Collector, the Judge (or Judicial Commissioner) shall take his place on the Committee. At the other stations the Committee shall consist of the Judge, the Collector, and a native officer to be selected

by the Judge. At the stations in the Non-Regulation Provinces which are not the head-quarters of the Commissioner, and at which there is no Judicial Commissioner, the Deputy Commissioner shall form a Committee, with one or two other officers to be selected by him.

Central Committee of Departmental Examinations.

8. The Government will, in communication with the Central Committee, fix the days for the half-yearly examination, which shall be the same for every district. The first half-yearly examination will usually be held in the month of April, May, or June, and the second in the month of October, November, or December.

9. It shall be the duty of the Central Committee to prepare, previous to each examination, sets of questions to be put to the examinees, to forward a sufficient number of copies of each of such sets to the President of each Local Committee in a sealed packet, to determine the order in which the examination in each paper and subject shall be held, and to arrange all other details for the conduct of the examinations. The Central Committee from time to time shall lay down such rules as may appear to them best for the guidance of the Local Committees, in order to ensure a fair and uniform method of ascertaining the proficiency of the examinee in each subject.

10. The Local Committee shall not open the sealed packet of papers until the time of examination; they shall superintend the written examinations of the

examinees only so far as may be necessary to ensure the conduct of them with proper strictness; they shall not examine the written answers, but shall forward them to the Central Committee with a report, which shall be furnished by the District Officer and Commissioner under whom the examinee has been employed, respecting his official character, qualifications, and the work done by him during the preceding six months, as well as a statement specifying the marks which they assign to candidates for conversational proficiency in the vernacular, in which branch their decision shall be final.

11. The Central Committee, after perusing the reports and the examination papers, shall report to Government the names of such officers as in their opinion have passed, noticing especially, in the order of their merit, those who may have passed with distinction. They shall also report the names of those officers who have succeeded in some of the subjects only, as well as of those who have failed altogether.

Lower and Higher standards of examination.

12. There shall be two standards of examination in Law and Languages, the Lower and the Higher Standards. With the exception specified below, officers are required to pass in Law and in the language of the district by both the Higher and the Lower Standards, and in a second language by the Higher Standard only.

13. In Appendix IV will be found the rules prescribing the tests in the vernacular which Euro-

pean officers of the several departments are required to satisfy.

For native Officers, when required to pass in any vernacular, the same rules and tests shall apply as in the case of European Officers. But if the Officer does not know English, he will translate into his own vernacular, and not into English, and it will be unnecessary for him to transliterate the paper set for that purpose.

14. The only language in which Officers generally shall be required to pass by the Lower Standard shall be the vernacular of the district in which they may be serving, and the principal object of the examination shall be to test the proficiency for practical purposes of the examinee in such language.

15. The object of the Lower Standard of examination in Law shall be to test the examinee's practical acquaintance with the Criminal Codes, and his general knowledge of certain of the more important local laws, regulations, and rules. One paper shall be prepared specially for this examination, which shall be confined to the Criminal Codes, and for which the use of the Codes, but no manuals, guides, or books, with indexes, shall be allowed. The questions must not be such as can be answered by copying a passage from a book; they must be such as shall thoroughly test the capacity of the examinees to understand the bearing of facts, and to ascertain the law and apply it. Another paper shall be prepared, consisting of questions on the local laws, regulations,

and rules enumerated in Appendix I. These must be answered without the aid of books. This paper is designed equally for the candidates for examination by the Lower and Higher Standards, but the number of pass marks shall be less in the case of examinees by the lower than in that of those by the Higher Standard of examination.

16. In the examination by the Higher Standard, it is necessary for the examinee to pass under the rules referred to above in two vernacular languages, ordinarily Bengali and Urdu. The questions of law and practice will be selected from the whole field of the duties of a Magistrate and Collector. All examinees will be required to pass in two papers. The nature of the one, in answering the questions in which the use of books will not be allowed, has already been explained in paragraph 15. The other paper, for which the use of books will be allowed, will contain questions on the local laws, regulations, and rules, set forth in Appendix II. The examinees may have all the Acts, Regulations, and Circulars, but no manuals, guides, or indexes. The questions should be confined as much as possible to cases commonly arising in the ordinary routine of the office of a Magistrate and Collector, or of a District Superintendent of Police. Certain facts of probable occurrence in real practice should be stated, and the examinee required to find and apply the law applicable to the facts.

17. [A Covenanted Civil Servant must pass the examination in local laws, regulations and rules in

treasury and local fund accounts and departmental revenue accounts and in both languages by the Higher Standard. He will be required to pass by the Lower Standard in accounts, as well as in the vernacular of the District in which he is serving. (C. G. PART I, *p* 594)].

18. Officers who, after passing in the higher grade the preliminary examination for admission into the Subordinate Executive Service held in 1873, or subsequently, have received appointments in that service, will be subject to no further examination except the Higher Standard departmental examination, and the opium laws examination for those candidates who are appointed to the Opium Department without having taken the opium papers. Candidates who passed at the Subordinate Executive Service examination which was held in 1872, are exempted from examination by the Lower Standard in the vernacular only. They will be required to pass in law by that standard.

19. Where a candidate, other than a covenanted civilian, allowed by Government for any special reason to present himself for examination by the Higher Standard in Law or Languages before passing the Lower, fails to pass the Higher Standard in either subject, the Central Examination Committee shall have full authority to decide whether he has done sufficiently well to pass by the Lower Standard.

An uncovenanted officer who has passed the Departmental examination by the Lower Standard in

any subject is at liberty to present himself for examination in that particular subject by the Higher Standard before passing in the remaining compulsory subject by the Lower Standard.

20. An officer who succeeds in passing by either standard (a) in Law or (b) in either of the languages, shall not again be required to present himself for examination by the same standard in the subject in which he was successful, but only in those in which he failed.

21. The marks to be assigned to each branch of the law examination, the proportion required for passing by the different standards, and the time allowed for each paper, are set forth in Appendix III.

The same information as regards the examination in languages will be found in Appendix IV. Uniformity must be rigidly enforced in the time allowed for each subject, whether in law or language.

Effect of passing by each of the Standards of examination.

22. A Civil Officer who has passed according to the Lower Standard of examination, and who has exercised the powers of a Magistrate of the Third Class for six months, shall usually be vested with the powers of a Magistrate of the Second Class, described in Sections 32, 33, 35 and 36 of the Code of Criminal Procedure (Act X of 1882), provided he is certified by the Commissioner to be fully competent to exercise them. Assistant Magistrates and Assistant Commissioners will also then be vested with the powers of a Deputy Collector.

23. An officer, however, who shall have passed by the Lower Standard in the Criminal Codes and in the language of his district, may be vested with the powers of a Magistrate of the Second Class on the Commissioner's recommendation to that effect, provided he has had not less than six months' experience in his magisterial duties.

24. An officer who has passed according to the Higher Standard shall be eligible to be vested with the powers of a Magistrate of the First Class, but not until he shall have exercised the powers of a Magistrate of the Second Class for at least six months.

25. An officer who has passed in Law and in the Language of his district according to the Higher Standard, may also be vested with the powers of a Magistrate of the First Class, subject to the condition of his having exercised the powers of a Magistrate of the Second Class for six months; but he shall not be entitled to any promotion or increase of pay until he has passed fully by the second standard. He shall exercise the powers of a Magistrate of the First Class so long only as he is employed in a district where the language in which he has passed is the vernacular.

Allowances.

26. Assistant Magistrates and Assistant Commissioners on first appointment draw only Rs. 400 a month. On passing the Lower Standard of examination, and being invested with the powers of a Magistrate of the Second Class, they shall be allowed an increase of Rs. 50 a month, provided they have exer-

cised the powers of a Magistrate of the Third Class for six months at least; and on passing fully the Higher Standard, and being invested with the powers of a Magistrate of the First Class, they will receive a Second increase of Rs. 50, provided they have also exercised the powers of a Magistrate of the Second Class for not less than six months.

Travelling allowance for attending the examinations.

27. Officers attending these examinations will be allowed travelling allowance subject to the rules laid down by the Government of India in the Financial Department, in Notification No. 4425 of the 12th December 1872.

Leave.

28. No application from any junior officer, liable to examination, for privilege leave or leave on private affairs, will be entertained if the following half-yearly examination falls due before the expiry of the leave applied for, unless the application specifies that the applicant will attend the examination.

29. If such leave is applied for, and the application from such an officer is submitted to Government, it should be stated that he is liable to pass an examination, and that the next examination will be held within the period of the leave applied for. This will enable the Lieutenant-Governor to decide whether, for the reasons stated, the leave should be granted; and if so, on what conditions.

30. It is the duty of district officers to look to the practical training of the young officers placed under them from their first entering into official life till they acquire a practical experience of their work and qualify themselves for the exercise of higher powers by passing the prescribed examinations. District officers are expected to take active interest in the well-being of the young men placed under them, by exercising due supervision over their studies, by holding periodical examinations to test their qualifications and official knowledge, and by any other means which may seem to them to be expedient for the purpose.

Training of officers.

SPECIAL RULES.

1. For Police Officers, the papers set in Law for both the Lower and the Higher Standards shall be prepared separately from those for other officers. For the Lower Standard questions shall be set in the Penal Code, the Code of Criminal Procedure, Act V of 1861, the Village Chowkidari Act VI (B.C.) of 1870, Act I (B.C.) of 1871, and the D and N Circular Orders of the Police Department. The use of books will be allowed in answering these questions. For the Higher Standard the questions will be taken from the same Acts, and from all the Circulars of the Police Department, from the Excise, Salt and Opium Laws, from Act V (B.C.) of 1876 (so far as it relates to Police),

Police officers.

and from the Evidence Act I of 1872. In this examination the use of books will not be allowed.

2. Police Officers transferred to the Executive Service, or who desire such transfer, will be required to satisfy the same tests as those prescribed above for officers of the Subordinate Executive Service, subject to the exception noted below.

3. When such an officer has already passed by either standard in a language, the pass will be accepted as sufficient to that degree.

4. Any officer so transferred, who has passed in Law by the Lower Standard (as hitherto required for the Police), will be required to pass for the Lower Standard in the general papers of local laws, &c. He will be exempted from examination in the Criminal Codes prescribed for the Lower Standard if he so desire ; but if he elects to pass, such pass will be taken into account in his favor.

5. Such officers who have passed by the Higher Police Standard in Law will still be required to pass in both law papers prescribed in paragraph 16 above, the term "law" including Revenue and general law.

Opium Officers.

6. Officers of the Opium Department will be examined, after admission to the department, in the subjects mentioned in Government Orders No. 1157G. of 28th October 1872.

APPENDIX I.

Laws and Regulations in which the examination will be without the aid of Books.

Regulations I and VIII of 1793, and XII of 1817.
Regulations I and II of 1819.
Regulation VIII of 1819.
Regulations VII of 1822, IX and XI of 1825, and IX of 1833.
Acts IX of 1847, XXXI of 1858, and IV (B.C.) of 1868.
Act XI of 1859.
Acts VII (B.C.) of 1868, VIII (B.C.) of 1869 and I (B.C.) of 1875.
Act V of 1861.
Act X of 1870.
Act III of 1877.
Bengal Council Act V of 1876.
Bengal Council Act VII of 1876.
Bengal Council Act IX of 1880.
Bengal Council Act V of 1878.
Act I of 1878.
Act VII (B.C.) of 1878.
Act VIII (B.C.) of 1876.
Act VI (B.C.) of 1870.
Act I (B.C.) of 1871.
Act I of 1872.
Act V (B.C.) of 1875.
Act VIII (B.C.) of 1879.
Chapters V and VI of Volume II of the Rules of the Board of Revenue.

APPENDIX II.

In which the examination will be with the aid of Books.

All unrepealed Acts of the Government of India, Bengal Regulations, and Bengal Acts; Circulars of the Bengal Government, the High Court, the Accountant-General, the Board of Revenue, and of the Inspectors-General of Police, Jails, and Registration; the Civil Account Code, Volume I, the Sub-Divisional Treasury Rules, and the Rules of Account for Judicial Officers prescribed by the High Court.

APPENDIX III.

Table showing the subjects for examination in Law by each Standard, the maximum number of marks assigned to each, the minimum number required for passing, and the time to be allowed.

Subjects of examination.	Maximum marks.		Passing marks.		Time.
	Lower Standard.	Higher Standard.	Lower Standard.	Higher Standard.	
Criminal Codes with books ...	160	...	100	...	Three hours.
General law paper without book—$\frac{3}{4}$ of questions being Revenue and $\frac{1}{4}$ Non-Revenue	160	160	60	90	Ditto.
Paper with books to include all laws	...	160	...	90	Four hours.
Accounts paper	160	160	80	80	Three hours.

APPENDIX IV.

Revised Rules for the examination of Civil Officers in the Lower Provinces of Bengal in the vernaculars.

The following rules for the examination of Civil Officers in the Lower Provinces of Bengal apply to all European Officers of the classes specified in them, and to such others as the local Government may from time to time direct. They do not affect the rules for the encouragement of the study of the languages of frontier tribes, a copy of which is given in Appendix V.

Officers to whom the rules apply.

2. Three grades of examination are recognized:—

(I.)—The Higher Standard of examination for Civil Officers, held under the direction and control of the Central Examination Committee.

(II.)—The Higher Standard of examination prescribed for Military Officers by G. G. O. No. 734, dated 9th September 1864, and G. G. O. No. 294, dated 24th March 1866; and the Lower Standard of examination for Civil Officers held under the direction and control of the Central Examination Committee.

(III.)—The Lower Standard of examination prescribed for Military Officers in Hindustani by the G. G. O. above quoted.

3. Officers of the Public Works, Education, Survey, and Forest Departments are examined under special rules. In their case either of the standards specified in grade II will be accepted as sufficient, should they exceptionally have to be examined along with the officers attached to the general administration.

Officers of the Survey, Forest, Education, and Public Works Departments.

4. The officers named in the margin are required to pass the examination specified in grade I above in the vernacular of the district in which they may be serving. Assistants in the Opium Department, who have not passed the Native Civil Service Examination in Hindustani, are required to pass in that language only by the Lower Standard of Departmental examination specified in grade II above.

Officers required to pass in one language only :—
1 Deputy Magistrates and Deputy Collectors.
2. Salaried Sub-Registrars.
3. Canal Superintendents.

5. Deputy Collectors who, under the preceding rule, have passed in one language only, will not ordinarily be transferred to a district with a different vernacular. If they are so transferred, and if otherwise qualified, they will be considered as eligible for promotion without passing in the vernacular of the districts to which they are transferred for a period of 12 months following their transfer. After the expiry of that period they will not be eligible for promotion unless they pass in the second language.

6. Medical officers in civil employ, whether covenanted or uncovenanted, will be required to pass in the language of the district by one or other of the standards specified in grade II. Army medical officers, who have passed the Military Lower Standard of examination specified in grade III in Hindustani will not be subject to further examination in that language.

Special rules for medical officers.

7. Medical officers in civil employ, who have passed in one language under the above rules, if posted

to a district where another language is the vernacular, will be required also to pass in it, but only by a conversational test designed to prove their ability to converse with the people and be understood by them.

Officers required to pass in two language :—
1. Covenanted Civilians.
2. Assistant Commissioners.
3. Assistant Superintendents of Police.

8. The officers named in the margin are required to pass by the standard specified in grade I above in two languages, which may be Bengali and Hindustani, or Oorya and Hindustani.

Exemption in the case of Military Officers

9. Military Officers who have passed in Hindustani by the Military Higher Standard of examination specified in grade II are not liable to further examination in that language.

Order in which the language must be taken up.

10. Officers generally are required, in the first instance, to pass in the language of the district in which they are serving by the Lower Standard specified in grade II above, before attempting a second language, in which passing by the Higher Standard only will be required. Covenanted Civilians are, however, allowed to pass by either standard, and in either language in any order.

Officers exempt from the Lower Standard of Examination.

11. Uncovenanted Officers who have passed in any vernacular at the Native Civil Service Examination are not required to pass in it again by the Lower Standard of Departmental Examinations, but may go up for the Higher Standard in cases where they become liable to this examination.

12. An officer liable to pass in two languages, when he has passed in the language of the district by the Lower Standard as required in Rule 10 above, may present himself for examination by the Higher Standard in that language, and in the second language, which will be Hindustani in the case of those who first qualify in Bengali or Oorya, and in the case of those who first pass in Hindustani, Bengali, or, if they be posted in Orissa, Oorya.

Cases in which a third language is compulsory.

13. Covenanted Civilians who, on the 4th May 1874, were of less than 12 years standing, and have passed in Hindustani and Bengali, will, on transfer to Orissa, as a condition of promotion to the substantive grade of Magistrate, be required to pass in Oorya as a third language. Similarly, those who have passed in Hindustani and Oorya only, will, on transfer to Bengal, be required to pass in Bengali as a third language. On passing in a third language under this rule, Covenanted Civilians become entitled to a reward of Rs. 500.

Case in which a third language is optional.

14. Police Officers and uncovenanted Deputy Collectors are not required to pass in a third language under the preceding rule; but if they elect to do so, they will be eligible for a reward of Rs. 180.

15. The examination specified in grade I above and the Lower Standard of examination specified in grade II above will be held under the rules for the conduct of the Departmental Examination of Civil

Officers, and under the direction and control of the Central Examination Committee in Calcutta.

16. The Military Higher and Lower Standards of examination specified in grades II and III above will be conducted in the case of Military Officers by the Board of Examiners in Calcutta under the rules applicable to these examinations generally. In the case of Uncovenanted Medical Officers, and optionally in the case of Covenanted Medical Officers, these examinations will be held under the direction and control of the Central Examination Committee, and along with the Departmental Examinations.

The following are the tests prescribed for the several grades of examinations :—

Grade I.—The Higher Standard of Departmental Examination.

A.—Reading current handwriting in the vernacular.

Two documents of the more difficult description of office papers selected and lithographed by the Central Examination Committee shall be transliterated into the Roman character.

B.—A written translation from the vernacular into English.

The same documents shall also be translated into English correctly.

C.—A written translation from English into the vernacular.

An English judgment or other official document of a somewhat difficult nature, selected by the Central

Examination Committee, shall be translated into the vernacular without assistance, and in a generally correct manner.

D.—Dictation from English into the vernacular.

An English report or other official paper of some difficulty shall be translated into the vernacular and dictated off-hand fluently and intelligibly, and the translation written down by a clerk exactly as dictated.

E.—Conversation in the vernacular.

The examinee shall be tested in conversation with several natives in such a manner as to satisfy the local Committee of his power of making himself understood by them, and of explaining himself with clearness and sufficient propriety in the vernacular in an argument or topic of some difficulty, such as may occur in official business.

The maximum and the pass marks assigned to each branch of the examination, and the time allowed for the papers, are subjoined :—

Subjects of examination.	Maximum marks.	Passing marks.	Time.
Transliteration ... } Translation from vernacular . } One paper ...	20 / 20	10 / 10	One and a half hours.
Translation from English ...	20	10	Two hours.
Dictation from English ...	20	10	Half an hour.
Conversation	20	10	Ten minutes.

Grade II (a).—The Lower Standard of Departmental Examination.

For this examination the tests shall be the same as the above, but the papers shall be less difficult. The proportion of marks to be obtained in order to pass, and the time allowed for the papers, shall be the same as for the Higher Standard above described.

Grade II (b.)—The Military Higher Standard of Examination.

The Military Higher Standard examination is intended to ascertain the ability of candidates:—1st, to read and construe passages in books of ordinary difficulty in Urdu and Hindi; 2nd, to make accurate and idiomatic written translation from English and Hindustani in both the Persian and Deva Nagri characters; 3rd, to read and translate petitions, native letters, &c., in Urdu and Hindi; 4th, to converse with educated or uneducated natives of India in Hindustani.

The following are the tests prescribed:—

First.—Reading fluently, and construing with readiness and accuracy, not less than an ordinary octavo page of the undermentioned works:—

(1.) *The Bágh-o-Báhar.*

(2.) Selections from the prose of the *Prem-Ságar.*

Second.—Translating accurately, and with correctness of idiom and grammar, not less than half an ordinary octavo page of plain English into language similar to that of the *Bágh-o-Báhar*, and an equal

amount into language similar to that of the *Prém Ságar*. The translation must be reduced to writing, in the former case in the Persian character; in the latter in the Deva Nagri character.

Third.—Reading fairly, and translating readily and correctly, Hindustani manuscripts written in both the Persian and Deva Nagri characters. These manuscripts may be selected from the proceedings of a case in Court, from reports or petitions addressed to civil or military authorities, from letters passing between natives of India in the ordinary course of business, or from private correspondence. They should not be written with the clearness of a printed book, nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters as practically employed in the presidency or province in which the examination is held.

Fourth.—Conversing in Hindustani with the examiners or with natives of India with fluency, and with such correctness of pronunciation, grammar, and idiom, as to be at once intelligible.

In other languages the tests imposed are similar, but the books are different. Those used are—

In Bengali	...	(1) Nobonari ...	...
		(2) Rajdut ...	...
In Oorya	...	(1) Hitopadisa ...	...
		(2) Batris Singhasun	...

Grade III (a).—Military Lower Standard of Examination.

At this examination shall be tested the ability of candidates to read and translate passages from easy Hindustani books written in the Persian and Deva Nagri characters; and to speak on, and interpret, common or professional subjects in Hindustani so as to understand, and to be understood by, any ordinary uneducated native of India.

They are required, *first*, to read fairly, and construe with accuracy, not less than half an octavo page of the undermentioned works:—

(1). "Hindustani selections*" in the Persian character.

(2). "Hindustani selections"* in the Deva Nagri Character.

Second, to converse in Hindustani with the examiners, or with natives of India, on subjects likely to occur in the performance of regimental or professional duty, in the transactions of ordinary business, or in the course of every-day life.

"If this test be applied through the medium of a native of India, he should speak the plain Hindustani of the presidency or province in which the examination is held, free from peculiarities of idiom and dialect, and not a *patois*, and though, as regards the performance of professional duties, it must to a certain extent be technical in its nature; if, in other respects, the candidate prove his ability to comprehend readily

* Until these selections have been prepared, candidates will be examined in the first half of the *Bágh-o-Bahar* and first half of the *Bytal Pacheesee*.

all that is said to him, and to make himself fairly intelligible, more should not be required."

The colloquial examination of each candidate will be carefully recorded in writing by the Committee of Examiners, and a copy of this record will be forwarded with the Committee's report to the Adjutant-General of the Army. It is in this portion of the examination that discretion and judgment on the part of the examiners is most required; and in conducting it, Committees should strictly follow the instruction laid down in the extract from the orders of the 9th September 1864 above quoted. Questions intended simply to puzzle a candidate should be particularly avoided. The questions need not exceed 15, but should not be less than 10 in number.

APPENDIX V.

Rules for the encouragement of the study of the languages of Frontier Tribes mentioned in Paragraph 1 of Appendix IV.

The following are the rules sanctioned for granting rewards to Civil Officers in Bengal for proficiency in the languages of frontier tribes.

2. A reward of Rs. 1,000 (one thousand) will be granted to any Covenanted Civilian, Deputy or Assistant Commissioner, Deputy Collector, District or Assistant Superintendent of Police, Civil Surgeon, or Civil Medical Officer, whether European or Native, who shall pass by

Group I.—Kol or Munda, Sonthali.
Group II.—Oraon, Rajmehal Paharia.
Group III.—Khond of Orissa.
Group IV.—Thibetian, Lepcha, Bhootia.
Group V.—Kuki or Lushai.
Group VI.—Garo.

the prescribed standard an examination in any one language in any of the groups of languages noted in the margin, provided that the language is spoken within the district where the officer is at the time employed, or by tribes conterminous to it with whom he has official relations. A second reward will in no case be given to an officer for proficiency in a second language of the same group. The grant of a reward is in every case subject to the condition that it will not be allowed to a native candidate for passing an examination in any language with which, from his birth or education, he is naturally familiar, or which is closely allied to his vernacular language.

3. The examination shall be conducted by a local committee to be specially appointed by Government on each occasion.

4. The tests which a candidate for the above reward must undergo are as follows :—

(*a*). He must be able to converse freely with the people of the tribe in whose vernacular he may wish to qualify, to understand, and to make himself understood by them.

(*b*) He must write down in the English, or the Bengali or Hindi character, sentences spoken in the tribal language by one of the tribe, or a conversation held between two of them, and must explain it correctly in English.

(*c*) He must without assistance translate from English or his mother tongue into the tribal language (writing it in either the English, or Bengali or Hindi

character) sentences not of a more difficult nature than those described in clause (*b*). The translation must be substantially correct and intelligible when read to a native in whose language it might be written.

5. These rules will not affect those prescribing the rewards to which Junior Civilians who succeed in passing High Proficiency and Honours examinations in certain specified languages will be entitled.

410. CIRCULAR No. 12J, *dated, March 26th* 1883. C. G. SUP. *p.* 464.

Magistrates should see, corpses of which a *post-mortem* examination is necessary invariably sent to the Sudder Station for examination, except only in the case of Sub-divisions in charge of Assistant Surgeons which are more than 48 hours' journey from the Sudder Station. In every case of a *post-mortem* examination made for judicial purposes, the Civil Surgeon in person shall conduct it, and the report should be written by him. He may be assisted by any medical subordinate whom he may desire to have with him; but he shall also be responsible for the work. Civil Surgeons will give the greatest attention to this duty, and will on no account delegate it to a subordinate without the strongest cause, such as absence from the station, illness, or an urgent call for their services in a case of sickness.

411. CIRCULAR No. 1 T-F, *dated, April 4th* 1883.

Calcutta Gazettes will be supplied to all Subordinate Judges in Bengal and Behar.

412. NOTIFICATION No. 361, *dated, April 18th* 1883.
I. G. PART I, *p.* 189.

I.—When in any case the fee chargeable under the Court Fees Act is less than Rs. 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall either be the adhesive stamps bearing the words "Court Fees", at present in use, or adhesive stamps of any different shape, size, or pattern, bearing the words " Court Fees", which may hereafter be issued for use, in supersession of, or in addition to, the adhesive stamps now in use.

II.—When in any case the fee chargeable under the said Act amounts to or exceeds Rs. 10, such fee shall be denoted by impressed stamps bearing the words " Court Fees", adhesive stamps being only employed to make up fractions of less than Rs. 10.

III.—If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna, such fraction shall be remitted.

IV.—This notification shall take effect on and after the 1st June 1883.*

413. CIRCULAR No. 1 A-D., *dated, May 1st* 1883.

In applications for leave or furlough the precise date on which the applicant wishes to be relieved should be definitely stated.

414. NOTIFICATION, *dated, May 11th* 1883.
C. G. PART I, *p.* 426.

Processes issued under Act X of 1882 shall be served by peons appointed under the rules framed by

* Subsequently postponed to the 1st July 1883 by Notification No. 1256, dated, June 1st 1883. I. G. Part I, p. 243.

the High Court, Calcutta, in accordance with Section 22 of the Court Fees Act.

415. CIRCULAR No. 7 J-D, *dated, May 14th* 1883.

A mixture of one part by weight of a simple solution of perchloride of mercury (corrosive sublimate), with 144 parts of water, is quite as efficacious as any other preparation for preserving books &c., from the attacks of white ants and other insects.

416. CIRCULAR No. 2 A-D, *dated, May 29th* 1883.

The maximum amount of leave (5 years) in Section 140 of the Civil Leave Code allowed to Government Officers should be granted only in very exceptional cases *viz.*, to those, whose services are lent to foriegn Government or to those who remain in Europe for the purposes of study when such study would render them more efficient in the discharge of their duties in India.

417. NOTIFICATION No. 1150, *dated, May 30th* 1883.
I. G. PART I, *p.* 241.

Remits the stamp duty payable under Act I of 1879 on all instruments in the nature of a memorandum or agreement furnished to, or made or entered into with, the Ordinance Department by Contractors for the due performance of their Contract.

418. NOTIFICATION No. 1381, *dated, June 8th* 1883.
I. G. PART I, *p.* 249.

Stamp duty payable on an instrument of Partition of land held on settlement for a period not exceeding 30 years and paying the full assessment to Government, shall not exceed the amount payable on a

valuation of the land at five times the annual revenue.

419. CIRCULAR No. 16, *dated, June 18th* 1883.

All officers corresponding directly with Bengal Government should take greater care in each case to address covers of letters in accordance with the instructions laid down in circular No. 13, dated, 27-5-81.

420. NOTIFICATION, *dated, June 26th* 1883.

C. G. PART I, *p* 571.

Rules regulating the use of adhesive and impressed Court Fee stamps in accordance with the notification No. 361, dated, 18-4-83.

(1)—When, in the case of fees amounting to less than Rs. 10, the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value. But if the amount can not be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.

(2)—When, in the case of fees amounting to or exceeding Rs. 10, the amount can be denoted by a single impressed stamp, the fee shall be denoted by a single impressed stamp of the required value. But if the amount can not

be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower values available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 10.

(*a*). Any adhesive stamps which may be used under clause (2) shall be affixed to the impressed stamp of the highest value employed in denoting the fee.

(*b*). When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court Fees Act, a portion of the subject matter shall be written on each impressed stamp so used, and the writing on each stamp shall be attested by the signature of the person or persons executing the document.

(*c*). When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and the writing on the impressed stamps and on the plain paper, shall be attested by the signature of the person or persons executing the document.

421. NOTIFICATION, *dated, June 26th* 1883.

C. G. PART I, *p.* 572.

The following rules are laid down in substitution for the five rules now in force:—

1. Adhesive and impressed stamps bearing the words* "Court Fee" are called court fee stamps, and the fees chargeable under Act VII, of 1870 are to be collected only by means of such stamps, subject to the exceptions mentioned in section 3 of the Act.

* See paragraph 3 of Board's letter No. 456 B, dated, 29th May 1883.

2. If in any case the amount of the fee chargeable involves a fraction of an anna, such fraction shall be remitted.

3. When, in the case of fees amounting to less than Rs. 10, the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value. But if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.

Where one adhesive stamp to be used.

Where more than one adhesive stamp to be or can be used.

4. When, in the case of fees amounting to or exceeding Rs. 10, the amount can be denoted by a single impressed stamp, the fee shall be denoted by a single impressed stamp of the required value. But if the amount can not be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower values available, which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 10.

Where one impressed stamp to be used.

Where more than one impressed stamp to be or can be used.

5. When, a single stamp of the required value under the last two rules is not available in stock, a certificate to that effect shall be given by the Collector of the District or officer in charge of the sudder or sub-divisional treasury provided that, when the fee chargeable does not exceed Rs. 75, such certificate may also be given by a licensed vendor of court fee stamps. The certificate referred to must be affixed to the document and filed with it.

Rules as to impressed and adhesive stamps.

6. Any adhesive stamps which may be used under rule 4 shall be affixed to the impressed stamp of the highest value employed in denoting the fee, or to the first sheet of the document, to be inscribed in such

Rules as to impressed and adhesive stamps.

manner as not to conceal the value of the stamp thereon.

Rules as to impressed and adhesive stamps.

7. A document stamped otherwise than in accordance with the preceding rules is not properly stamped within the meaning of section 28 of the Court Fees Act, 1870.

When two impressed stamps are used portion of the document to be written on each stamp.

8. When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court Fees Act, a portion of the subject-matter shall be written on each impressed stamp so used, and the writing on each stamp shall be attested by the signature of the person or persons executing the document.

Rules as to the use of impressed stamps.

9. When one or more impressed stamps used to denote a fee, are found sufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and the writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.

Endorsement on the blank space of the impressed stamps at the time of sale.

10. Every *ex-officio* or licensed vendor shall insert at the time of sale to the public the name of the purchaser, the date of sale, and the signature of the vendor on the blank space left for this purpose on each adhesive court fee stamp.

11. Every *ex-officio* or licensed vendor shall write on the back of every impressed court fee stamp which he sells, the date of sale, the name of the purchaser, and the value of the stamp in full in words, and shall affix his signature to the endorsement.

Endorsement on the back of impressed stamps at the time of sale.

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* Rules of the Board of Revenue. Section III, Chapter VII, Vol. II.

12. Local officers should direct their particular attention to the provisions of Section 30 of the Court Fees Act, VII of 1870, regarding the cancellation of stamps used under that Act. The personal responsibility of the officer who gives any order to see that the stamp affixed under Act VII of 1870, is punched *before* he takes action, is clear from Section 30 of the Act, and must be enforced. The pieces punched out shall be immediately destroyed so as to prevent their being fraudulently used.

13. The record-keeper of every court or office shall, when a case is decided and the record consigned to his custody, punch a second hole in each label, distinct from the first, and note the date of his doing so, at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature. If the hole which is first punched on a used stamp be round, the second hole which is to be punched on it should be either square or triangular.

14. The court or office issuing copies, certificates, or other similar documents liable to stamp duty, shall, before issue, cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label upon which its value is expressed. As an additional precaution, the signature of the officer attesting the document, with the date, should be written accross the label and upon the paper on either side of it as is frequently done by persons signing stamped receipts. An impression apparently exists that the hole which is punched by the issuing court or office on the stamp label affixed to copies, certificates, &c., under the order cited in the preceding paragraph, does away with the necessity of cancellation by punching out the figure-head under Section 30 of the Act by the court or office in which the copy or certificate, &c., may be produced or filed ; but this view is incorrect, and it will be readily understood that the orders in question cannot override the express provision of the Act.

15. * Licensed vendors at all head quarters and sub-divisional stations, purchasing stamps of the total value of Rs. 25 or upwards at one time by payment of ready money, shall receive the same at a discount at the following rates :—

MOORSHEDABAD, DINAGEPORE, MALDAH, RUNGPORE, MYMENSINGH.	Licensed vendors at places more than 5 miles distant from either a sudder or sub-divisional treasury ...	2 ₹ cent.
SUNDEEP Island	... ...	$2\frac{1}{2}$,,
All other places	... ...	$1\frac{9}{16}$ (or one pice in the rupee.)

16. No discount is allowed on purchase of any stamp of which the value is more than Rs. 75. Stamps above that value are always procurable from the Collector and from sub-divisional officers.

17. When persons cannot be found willing to undertake the sale of Judicial Stamps in any locality in which the establishment of a vendor seems desirable, some person in the public service may be appointed stamp vendor on a small salary in addition to the usual rate of discount allowed to licensed vendors. This system should not, however, be introduced without the sanction of Government.

18. The presiding officer of any court, where adhesive court fee stamps are used, shall, in the exercise of his discretion, be competent to issue a certificate

422. CIRCULAR No. 15 J-D, *dated, July 2nd* 1883.

District Judge is authorised to draw a sum not exceeding Rs. 150 in excess of the permanent advance allowed for the contingent expenses of his office and of offices of the Moonsifs under him on satisfying the Accountant-General that the increased advance is really required. A sum not exceeding Rs. 10 may then be alloted to each Moonsif for the contingent expenses on the responsibility and subject to the control of the District Judge.

423 CIRCULAR No. 15 J, *dated, July 17th* 1883.

Moonsifs or Subordinate Judges should not confer the ministerial appointments in their courts upon their relatives or dependents. District Judge has full power to veto any such appointment when he thinks fit. On any nomination being made he should have all the facts before him showing the reasons which led to the selection of the nominee, as well as his relationship or connection, if any, with the Judicial Officer who has given him an appointment. The final responsibility for the selection rests with the District Judge.

424. CIRCULAR No. 17 P—D, *dated, July 23rd* 1883.

In directing the detention of juvenile offenders in reformatory schools under the provisions of Act V of 1876 the following particulars are to be attended to.

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for the renewal, free of charge, of the stamp or stamps on any document, in any case in which the rewriting of such documents has, through inadvertence or accident, been, in his opinion, rendered necessary; or when, after it has been duly stamped, and the stamps have been cancelled, it is found that the reason for presenting it to, or filing it in, the court has ceased to exist. Such certificate shall be sufficient authority to the Collector or officer in charge of a sub-division, as the case may be, to issue to the holder of the certificate other stamps of the value specified in the certificate, on delivery of the stamps which have been rendered useless.

At present there are two Reformatory schools, one at Alipore and another at Hazaribagh. The latter institution is intended for the detention of offenders convicted in Chota Nagpore and Behar; while the one at Alipore receives boys from other parts of Bengal. The latter institution can accommodate hundred boys, and there are at present 33 vacancies in it. The Hazaribagh school has accommodation for 118 boys and the existing number of vacancies is 68.

425. CIRCULAR No. 20, *dated, July 31st* 1883.

Bad Bengalee translations of the Acts, Bills, and Circulars, &c., published in the Bengalee Gazette should be reported to Government.

426. CIRCULAR No. 185, *dated, August 1st* 1883.

Form of security bond to be taken from Ministerial Officers in all cases in which the Local Government may by special sanction permit security to be taken in a form other than that of Government promissory or stock notes.

Know all men by these presents that we A B of (principal), and C D of and E F of (sureties), are bound to the Secretary of State for India in Council in the sum of Rs. , to be paid to the said Secretary of State in Council or his successors, for which payment we bind ourselves and each of us and any of us and our and each of our heirs, executors, administrators, and representatives, and every of them jointly and severally by these presents, sealed with our seals, signed and dated this day of 188 .

or

whereas the above bounden A. B. has been appointed to the office of .
and the above named Secretary of State for India in Council has agreed to retain the said A. B. in the said office

2. WHEREAS the above-named Secretary of State for India in Council has agreed to appoint the above bounden A B to the office of

upon the said A B and the above bounden C D and E F entering into the bond above written, and upon the said C D and E F charging the properties in the schedule hereto with the payment of the above-mentioned sum of Rs.

3. *Now the condition* of the above written bond is such that if the said A B shall from time to time, and at all times hereafter, so long as he shall hold the said office of , duly and regularly account for and pay to the Secertary of State for India in Council, or to any person or persons who may be appointed for the purpose, all moneys which shall come to his hands, and in every other respect fully and faithfully perform and discharge the duties and obligations which from time to time devolve on him in such capacity as aforesaid, then in such case the above

written bond shall be void, otherwise the same shall remain in full force.

4. And in order further to secure payment of the said sum of Rs. I, C D, charge the properties described in the first schedule hereto annexed, and I, E F, charge the properties described in the second schedule hereto annexed, with the payment of the said sum, and we covenant respectively that, so long as the above written bond shall remain in force, neither we nor our representatives will in any way alienate, mortgage or incumber the properties mortgaged above by us respectively, and in case of such alienation, mortgage or incumbrance, that the said property so charged by us respectively shall remain liable for the satisfaction of all obligations incurred under the said bond.

427. CIRCULAR No. 19 J-D, *dated, August 6th* 1883.

Corrosive Sublimate...	... 1 oz.	Mix.
Carbolic Acid ...	... 1 ,,	
Methylated Spirit ...	... 2 pts.	

This solution should be applied to books and papers with a soft brush without any metal fastenings, and the eyes should be protected with common glass *gogles* when it is being put on.

428. CIRCULAR No. 22 J-D, *dated, August 23rd* 1883.

A monthly Calender in the prescribed form, showing the grants made by the District Judge of probate and administration in the cases of the estates of all persons of European extraction, whether British subjects or not, should be submitted to Government.

Grants of probate or administration made in estates of all persons of European Extraction, whether British subjects or not, by the district court of in the PRESIDENCY / PROVINCE *during the Month of* 188 .

Index Letter.	Name and description of Testator or Intestate.	Date of death.	Place of death.	Nature and extent of grant.	Date of grant.	Amount or value of estate.	Name and description of applicant.	REMARKS
						Rs.		

Dated the day of 188 *District Judge.*

429. CIRCULAR No 24 J-D, *dated, August 23rd* 1883.

Salary of the comparing clerks in the District Judge's and Magistrate's Offices should rise from the minimum Rs. 20 to the maximum Rs. 30 per month in twenty years by 10 biennial increments.

430. CIRCULAR No. 27 J-D, *dated, September 3rd* 1883.

Prescribes table of fees to be charged by Notaries Public under Act XXVI of 1881. Government servants who are appointed Notaries Public should not be allowed to appropriate such fees, but should credit them to Government. Prescribes a set of forms for use by Notaries Public.

The Act only requires Notaries Public to register the declarations of acceptors or payers for honour (sections 109 and 113); but the Governor-General in Council considers it desirable that the Notaries Public appointed under the Act should, following the practice existing in the Presidency Towns, also register notings and protests made by them. No particular form of register is necessary for these purposes. It will be sufficient if each Notary Public be instructed to keep a substantial blank book in which to enter copies of all the letters he may write presenting bills for acceptance or payment; of all bills noted or protested, or accepted or paid for honour, together with all endorsements thereon (including that made by himself, to the effect that the bill has been noted or protested for non-payment or non-acceptance); of all protests made by

himself and of all declarations made by acceptors or payers for honour. It will further be necessary that the Notary should, after examination of each entry in the book, affix his signature thereto.

Notaries Public should have a plain circular seal with the name of the Notary and the circumscription "Notary Public."

431. CIRCULAR No. 28 J-D, *dated, September 6th* 1883.

Exempts District and Sessions Judges, and their establishments, while holding Sessions, from the operation of Section 29 of the Civil Travelling Allowance Code.

432. NOTIFICATION, *dated, September 27th* 1883.

C. G. *dated*, 3-10-1883, PART I, *p.* 809.

Impressed Stamps of the value of Rs. 10 and upwards will be issued in exchange for unused Adhesive Stamps of equal aggregate value by Treasury Officers on application being made to them within 3 months from the date of the publication of this notice.

433. CIRCULAR No. 22 T-F, *dated, October 3rd* 1883.

A return showing the securities furnished by Ministerial Officers should be submitted to Government annually in the following form by the 30th June of each year :—

Name of Office.	Name of Officer.	Amount of Security.	Form of Security.	Remarks.

434. Circular No. 23 T-F, *dated, October 3rd* 1883.

Local Government may sanction an increase to the pay of an officer for the performance of any special duty, outside the duties of his regular appointment, from Local, Municipal or other Funds administered by it, whether such pay be a Provincial or an Imperial charge, provided that the total emoluments of the officer, after the increase, do not exceed Rs. 250 a month.

435. Notification No. 3642, *dated, October 5th* 1883.

I. G. Part I, *p.* 402.

Remits the Stamp Duty payable on receipts given by or on behalf of depositors in Presidency Savings

Banks and State Railway Savings Banks for sums of money withdrawn from such Banks in all cases in which, but for this exemption, such receipts would be liable to Stamp Duty.

436. CIRCULAR No. 40 J-D, *dated, October 12th* 1883.

Budget estimates for petty constructions and repairs are not to be submitted to Government. The Accountant-General has been authorized to allot a fixed sum annually for the petty repairs of Court houses and offices, and this sum is intended to cover all expenditure under the above head.

437. NOTIFICATION No. 3887, *dated, October 19th* 1883.

Reduces to Annas 8 the Stamp Duty payable under Article 50 (*b*), Schedule I, appended to Act I of 1879, on a Power-of-Attorney required in suits or proceedings under the Presidency Small Cause Courts Act, 1882.

438. CIRCULAR No. 13 A-D, *dated, October 29th* 1883.

The standing orders relating to the connection of Government Officer with trading companies do not apply in the case of clerks and other ministerial officers in Government employ.

439. NOTIFICATION No. 1443, *dated, November 2nd* 1883.

I. G. PART I, *p.* 439.

Remits the fees leviable under Act VII of 1870 on the following documents, *viz* :—

(1). Copy of the charge given to the accused under section 210 of the Code of Criminal Procedure.

(2). Copy of the evidence of witnesses given to the accused under section 219 of the Code.

(3). Copy of the judgment in any case other than a summons case, or of the heads of the charge to the Jury given to the accused under section 371 of the Code.

(4). Copy of an order of maintenance given under section 490 of the Code.

(5). Copy of the Judge's charge to the Jury, or of any order or deposition or other part of the record furnished free of cost to a person affected by a judgment or order under section 548 of the Code.

440. CIRCULAR No. 263, *dated, November 5th* 1883.

District Judges should supply, seals to pleaders who have been appointed Notaries Public under Act XXVI of 1881, on receipt of cost price including carriage.

441. CIRCULAR No. 9A, *dated, November 20th* 1883.

Additional and Extra Munsifs may continue to draw halting allowance at the rates hitherto drawn by them when away from their head-quarters on duty.

See No. 229.

442. CIRCULAR No. 10A, *dated, November 24th* 1883.

An officer was employed as a substitute for another officer absent on leave, whose pay was less than Rs. 100 a month, and who, under the operation of section 126 of the Civil Leave Code, and the proviso to section 33 of the Pay and Acting Allowance Code, was to suffer a deduction of pay towards meeting

the allowances (half salary) to be paid to his *locum tenens*. The acting officer did not draw his allowance monthly, and in consequence a lump sum, amounting to nearly a full month's pay, was subsequently deducted from the pay of the permanent incumbent, who was thus subjected to inconvenience. This case having come to the notice of the Secretary of State for India, he has made the following remarks:—

"A practice of making in a lump sum such large recoveries in cases of this description seems calculated to occasion considerable hardship; and it would, I think, be desirable that the principle of making such adjustments by instalments proportioned to the pay of the officer concerned should generally be adopted."

443. CIRCULAR No. 32, *dated, November 28th* 1883.

Dismissal of Native Subordinate for misconduct.

Resolutions of the Bombay Government forwarded by the Government of India for the information of the Lieutenant-Governor of Bengal.

1. The purport of the instructions laid down in the Despatch No. 42, of 6th August 1851 of the Court of Directors, was that Native Subordinates were not to be dismissed merely in consequence of unfavourable opinions entertained towards them by their superiors, or for slight reasons, but on proof only of tangible delinquency in such matters as "fraud and dishonesty, continued and wilful negligence, and all offences involving moral disgrace," and a Subordinate once dismissed, upon just grounds, was to be permanently excluded from Government employ."

2. In July 1879 the Government of India republished these instructions with an expression of their own concurrence and also added as follows :—

In all cases of the "dismissal of public servants, the charge against a public servant should be reduced to writing, his defence should be either taken in or reduced to writing, and the decision on such defence should also be in writing." As a reservation it was stated: "In the case of public servants who are dismissed in consequence of facts or inferences elicited at a judicial trial, or in the case of persons who abscond with an accusation over their heads, this procedure may be unnecessary or impossible."

3. In May 1883 by Resolution 1549, General Department, Bombay Government further added that "the dismissing authority should always record in English under his own handwriting a statement showing briefly, but clearly, the charges brought against the official, the evidence supporting those charges, the motives which are supposed to have influenced him, and the opinion of the dismissing authority on each charge."

4, 5 and 6. Now-a-days Subordinates are dismissed only on very precise charges of delinquency, but in many cases the evidence to establish the charge is too hastily accepted, and the Rules above laid down do not sufficiently ensure a patient hearing of the defence. It would seem indeed as if the Rules were sometimes taken as meaning that the charge against the accused might be communicated to him and his

explanation taken by correspondence, whereas the first principles of justice require that he should be brought before the enquiring officer in person. Again it is not enough that he should be told of the charge he has to meet—he should be told also of the evidence and arguments in support of the charge before he is required to defend himself. It is very unfair that he should not know the case against him until the enquiring officer has actually committed himself to a decision.

7. The necessary orders so far are that there should be an enquiry in *judicial* form. Admission of Evidence need not be restricted by the Law of Evidence. Every fact that conduces to a *moral* conviction may be admitted. The whole evidence should be noted and explained to the person charged. He may be required to give specific answers to questions put to him. He should also be allowed to place on record a full written statement.

8. Next as to cases in which there is only strong suspicion and not proof. The intention of the Government is that no one should be dismissed except on proof; but proof often means mere preponderence of probabilities. But the grounds must always be capable of being stated and the decision must be based solely on evidence admitted.

9. In some cases a compromising suspicion may be considered sufficient. But then the Subordinate should not be dismissed with disgrace, but allowed to resign, or simply relieved of his office. The exact

case against him should be carefully recorded, in order that he may, if possible, satisfy any other employer.

10. An old servant who has earned or nearly earned his pension, should never be removed on mere suspicion. His case is amply provided for in the Pension Rules. A portion of the pension may be withheld from those whose service has not been entirely approved.

11. In proportion as the evidence falls short of full proof, consideration should be given to the previous character, and especially to any specific instances of good or bad service that may have been officially noted. It is a great mistake to regard previous good conduct as an aggravation as shewing concealment of true character.

In admitting evidence of bad character, however, great caution is necessary so that weak cases may not be supported by reference to previous punishment for some slight misconduct, which may never have received close attention.

12. Controlling officers to whom orders of dismissal are submitted for confirmation or on appeal, must of course on certain points place confidence on the judgment of the enquiring officer; but they should withhold this confidence unless it is clear from the proceedings that he has acted with care and fairness. If there is any defect in the record the case should be remanded for further inquiry.

13. Lastly as to the reservation quoted in para. 2, the general rule is that a public servant, unless himself

convicted at a judicial trial, has a right to defend himself departmentally against any imputation that he may have therein incurred. A mere side remark from the Bench, censuring a public officer is not sufficient.

(14 and 15 omitted)

16. The case of peons is left to the discretion of the departmental authorities; but it is expected that this also should receive a fair and impartial consideration.

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